

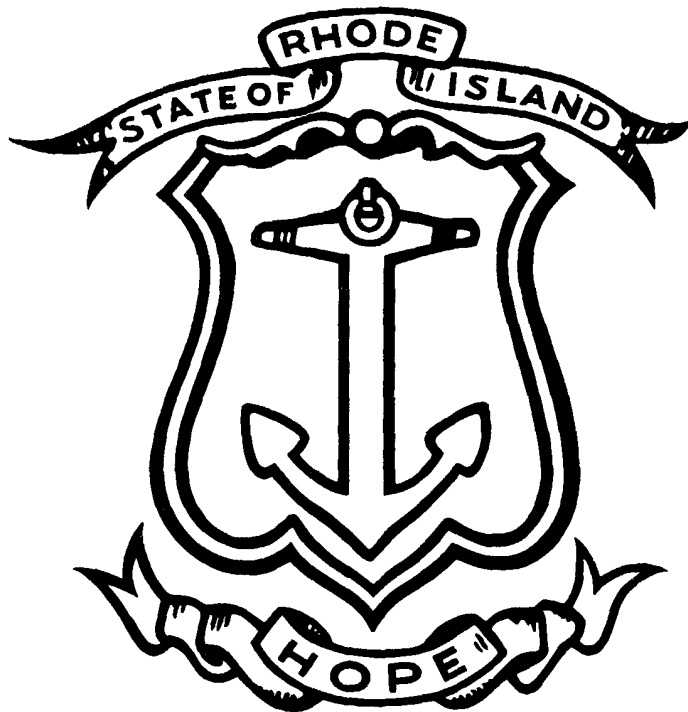
Food Code

R23-1, 21-27-FOOD

1994

Rhode Island Department of Health

Office of Food Protection



INTRODUCTION

These Rules and Regulations entitled Food Code are promulgated pursuant to the authority conferred under Chapters 23-1 and 21-27 of the General Laws of Rhode Island, as amended, and are established for the purpose establishing minimum standards for sanitation and safety in food businesses and food establishments.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, in the development of the regulations, consideration was to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) any significant economic impact on small business as defined in Chapter 42-35 of the General Laws. Based on the available information, no known alternative approach, duplication or overlap was identified. The health, safety and welfare of the public overrides any economic impact which may be incurred from these regulations.

These regulations, entitled Food Code, shall supersede the Rules and Regulations Pertaining to Food Establishments (R23-1-F) and Regulations Relating to the Sanitation of Food Businesses (R21-27-FB).

Requirements are presented as being in one of 3 categories of importance: critical; "swing" (i.e. those that may or may not be critical depending on the circumstances); and noncritical. An asterisk * after a tagline (which is the language immediately following a section number that introduces the subject of the section) indicates that all of the provisions within that section are critical unless otherwise indicated, as follows:

Any provisions that are "swing" items, are followed by the bold superscripted letter ^S and any provisions that are noncritical are followed by the bold, superscripted letter ^N

Any unmarked provisions within a section that has an asterisked tagline are critical. All provisions following a tagline that is not marked with an asterisk are noncritical.

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Chapter

1

Purpose and Definitions

Parts

- 1-1 TITLE, INTENT, SCOPE**
- 1-2 DEFINITIONS**

1-1 TITLE, INTENT, SCOPE

Subparts

- 1-101 Title**
- 1-102 Intent**
- 1-103 Scope**

Title 1-101.10 Food Code.

These provisions shall be known as the Food Code, hereinafter referred to as "this Code."

Intent 1-102.10 Food Safety, Illness Prevention, and Honest Presentation.

The purpose of this Code is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

Scope 1-103.10 Statement.

This Code establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension.

1-2 DEFINITIONS

Subpart

1-201

Applicability and Terms Defined

Applicability and Terms Defined

1-201.10 Statement of Application and Listing of Terms.

(A) The following definitions apply in the interpretation and application of this Code.

(B) Terms Defined.

- (1) "**Adulterated**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.
- (2) "**Approved**" means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards and regulations that protect public health.
- (3) "**a_w**" means water activity.
- (4) "**Beverage**" means a liquid for drinking, including water.
- (5) "**Bottled drinking water**" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.
- (6) "**Certification number**" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.
- (7) **CIP**.
 - (a) "**CIP**" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.
 - (b) "**CIP**" does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(8) "**CFR**" means Code of Federal Regulations. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.

(9) "**Code of Federal Regulations**" means the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which:

(a) Is published annually by the U.S. Government Printing Office; and

(b) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, and EPA rules in 40 CFR.

(10) **Comminuted**

(a) "**Comminuted**" means reduced in size by methods including chopping, flaking, grinding, or mincing.

(b) "**Comminuted**" includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausages made from 2 or more meats.

(11) **Common Dining Area.**

(a) "**Common dining area**" means a central location in a group residence where people gather to eat at mealtime.

(b) "**Common dining area**" does not apply to a kitchenette or dining area located within a resident's private living quarters.

(12) "**Confirmed disease outbreak**" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative organism and epidemiological analysis implicates the food as the source of the illness.

(13) "**Consumer**" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

(14) "**Corrosion-resistant material**" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

(15) **"Critical control point"** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

(16) Critical Item.

(a) **"Critical item"** means a provision of this Code that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation.

(b) **"Critical item"** is an item that is denoted in this Code with an asterisk *.

(17) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

(18) Drinking Water.

(a) **"Drinking water"** means water that meets 40 CFR Part 141 National Primary Drinking Water Regulations and as defined in 46-13-2(d).

(b) **"Drinking water"** is traditionally known as "potable water."

(c) **"Drinking water"** includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(19) **"Dry storage area"** means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single- service items.

(20) Easily Cleanable.

(a) **"Easily cleanable"** means a characteristic of a surface that:

(i) Allows effective removal of soil by normal cleaning methods;

(ii) Is dependent on the material, design, construction, and installation of the surface; and

(iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

(b) **"Easily cleanable"** includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in Subparagraph (a) of this definition to different situations in which varying degrees of cleanability are required such as:

- (i) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
 - (ii) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

(21) **"Easily movable"** means:

- (a) Weighing 14 kg (30 pounds) or less; mounted on casters, gliders, or rollers; or provided with a mechanical means requiring no more than 14 kg (30 pounds) of force to safely tilt a unit of equipment for cleaning; and
- (b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(22) **"Employee"** means the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.

(23) **"EPA"** means the U.S. Environmental Protection Agency.

(24) **Equipment.**

- a) **"Equipment"** means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
- (b) **"Equipment"** does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(25) **"Fish"** means fresh or saltwater finfish, molluscan shellfish, crustaceans, and other forms of aquatic animal life other than birds or mammals and includes any edible human food product derived in whole or in part from fish, including fish that has been processed in any manner.

(26) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(27) **"Food additive"** has the meaning stated in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.

(28) Foodborne Disease Outbreak.

(a) **"Foodborne Disease Outbreak"** means an incident, except as specified in Subparagraph (b) of this definition, in which:

- (i) 2 or more persons experience a similar illness after ingestion of a common food; and
- (ii) Epidemiological analysis implicates the food as the source of the illness.

(b) **"Foodborne Disease Outbreak"** includes a single case of illness such as 1 person ill from botulism or chemical poisoning.

(29) "Food-contact surface" means:

- (a) A surface of equipment or a utensil with which food normally comes into contact; or
- (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
 - (i) Into a food, or
 - (ii) Onto a surface normally in contact with food.

(30) **"Food employee"** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(31) Food Establishment.

(a) **"Food establishment"** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

- (i) Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
- (ii) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(b) "Food establishment" includes:

- (i)** An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location *unless the vending or feeding location is permitted by the regulatory authority*; and
- (ii)** An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

(32) Food Processing Plant.

- (a) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

(33) Game Animal.

- (a) **"Game animal"** means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR Subchapter A - Mandatory Meat Inspection, Part 301, as poultry in 9 CFR Subchapter C - Mandatory Poultry Products Inspection, Part 381, or as fish as defined in Subparagraph 1- 201.10(B)(25).

- (b) **"Game animal"** includes:

- (i) Animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals; and
- (ii) Exotic animals as defined in 9 CFR Subchapter A - Animal Welfare, Part 1, such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.

- (34) **"General use pesticide"** means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.

(35) Group Residence.

- (a) **"Group residence"** means a private or public housing corporation or institutional facility that provides living quarters and meals.

- (b) **"Group residence"** includes a domicile for unrelated persons such as a retirement home or a long-term health care facility.

- (36) **"HACCP Plan"** means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(37) "**Hazard**" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(38) "**Hermetically sealed container**" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(39) "**Highly susceptible population**" means a group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or elderly and in a facility that provides health care or assisted living services; or preschool age children in a facility that provides custodial care.

(40) "**Imminent health hazard**" means the conditions contained in 23-1-21 have been found to exist by the Director of Health.

(41) "**Injected**" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as with juices which may be referred to as "injecting," "pinning," or "stitch pumping".

(42) "**Kitchenware**" means food preparation and storage utensils.

(43) "**Law**" means applicable local, state, and federal statutes, regulations, and ordinances.

(44) "**Linens**" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

(45) "**Meat**" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except fish and poultry*, that is offered for human consumption.

(46) "**mg/L**" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(47) "**Molluscan shellfish**" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

(48) **"Packaged"** means bottled, canned, cartoned, securely bagged, or securely wrapped.

(49) **"Permit"** means the document issued by the regulatory authority that authorizes a person to operate a food establishment. Permit shall include a registration/license as used in 21- 27-10.

(50) **"Permit holder"** (Registrant) means the entity that:

(a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and

(b) Possesses a valid permit to operate a food establishment.

(51) **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(52) **"Person in charge"** means the individual present at a food establishment who is responsible for the operation at the time of inspection.

(53) **Personal Care Items.**

(a) **"Personal care items"** means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.

(b) **"Personal care items"** include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

(54) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

(55) **"Physical facilities"** means the structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(56) **"Plumbing fixture"** means a receptacle or device that:

(a) Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

(b) Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(57) **"Plumbing system"** means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(58) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in 4 categories:

- (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (b) Pesticides, which include substances such as insecticides and rodenticides;
- (c) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
- (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(59) **Potentially Hazardous Food.**

(a) **"Potentially hazardous food"** means a food that is natural or synthetic and is in a form capable of supporting:

- (i) The rapid and progressive growth of infectious or toxigenic microorganisms; or
- (ii) The growth and toxin production of *Clostridium botulinum*.

(b) **"Potentially hazardous food"** includes, but is not limited to, an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures.

(c) **"Potentially hazardous food"** does not include:

- (i) An air-cooled hard-boiled egg with shell intact;
- (ii) A food with a water activity (a_w) value of 0.85 or less;
- (iii) A food with a hydrogen ion concentration (pH) level of 4.6 or below when measured at 24° C (75°F);

(iv) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and

(v) A food for which laboratory evidence that is the basis of a variance granted by the regulatory authority demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of **C. botulinum** cannot occur.

(60) "Premises" means:

(a) The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or

(b) The physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger organization such as a health care facility, hotel, motel, school, recreational camp, or prison.

(61) "Private water system" means a system for the provision of piped water for human consumption that is not a public water system.

(62) "Public water system" means a system for the provision to the public of piped water for human consumption, provided such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term "public water system" shall include all sources, and facilities involved in collecting, treating, storing and distributing the water.

(63) Ready-to-Eat Food.

(a) **"Ready-to-eat food"** means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

(b) **"Ready-to-eat food"** includes but is not limited to:

(i) Unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under Subpart 3-401;

(ii) Raw, washed, cut fruits and vegetables;

(iii) Whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and

(iv) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

(64) Reduced Oxygen Packaging.

(a) "Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21% oxygen.

(b) "Reduced oxygen packaging" includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide.

(65) "Refuse" means solid waste not carried by water through the sewage system.

(66) "Regulatory authority" means the Rhode Island Department of Health or other local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment.

(67) "Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(68) "Safe material" means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(b) A food additive or color additive as defined in § 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act that is used as specified in § 409 or 706 of the Act; or

(c) Other materials that are not a food additive or color additive as defined in § 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and that are used in conformity with applicable regulations of the Food and Drug Administration.

(69) "Sanitization" means the application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(70) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

(71) "Servicing area" means an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(72) **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(73) **"Shellfish control authority"** means a state, federal, foreign, or other government entity legally responsible for administering a program that includes certification of moleskin shellfish harvesters and dealers for interstate commerce.

(74) **"Shellstock"** means raw, in-shell molluscan shellfish.

(75) **"Shucked shellfish"** means molluscan shellfish that have one or both shells removed.

(76) **"Single-service articles"** means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use.

(77) **Single-Use Articles.**

(a) **"Single-use articles"** means utensils and bulk food containers designed and constructed to be used once and discarded.

(b) **"Single-use articles"** includes, but is not limited to, items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans.

(78) **"Slacking"** means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23° C (-10° F) to -4° C (25° F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

(79) **"Smooth"** means:

(a) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;

(b) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

(80) **"Support animal"** means a trained animal such as a Seeing Eye dog that accompanies a person with a disability to assist in managing the disability and enables the person to perform functions that the person would otherwise be unable to perform.

(81) **"Table-mounted equipment"** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(82) **"Tableware"** means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, tumblers; and plates.

(83) **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(84) **"Temporary food establishment"** means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(85) **"Utensil"** means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; and food temperature measuring devices.

(86) **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(87) **"Vending machine location"** means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used in conjunction with the vending machines.

(88) **"Warewashing"** means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

(89) **"Water activity"** means a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w .

Management and Personnel

Parts

- 2-1 SUPERVISION
- 2-2 EMPLOYEE HEALTH
- 2-3 PERSONAL CLEANLINESS
- 2-4 HYGIENIC PRACTICES

2-1 SUPERVISION

Subparts

- | | |
|-------|----------------|
| 2-101 | Responsibility |
| 2-102 | Knowledge |
| 2-103 | Duties |

Responsibility

2-101.11 Assignment.*

The permit holder shall be the person in charge or shall designate a person in charge and shall assure that a person in charge is present at the food establishment during all hours of operation.

Knowledge

2-102.11 Demonstration.*

Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request the person in charge shall demonstrate to the Department of Health knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of this Code, as it relates to the food operation. This knowledge may be demonstrated through certification as a manager certified in food safety as required under R21-27-CFS, and, for persons in charge not required to be certified, by:

(A) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;

(B) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;

(C) Describing diseases that are transmissible through food and the symptoms associated with the diseases;

(D) Explaining the significance of the relationship between time and the temperature of potentially hazardous food and the prevention of foodborne illness;

(E) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;

(F) Stating the required food temperatures and times for safe cooking of potentially hazardous foods including meat, poultry, eggs, and fish;

(G) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, reheating, and transportation of potentially hazardous food;

(H) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(1) Cross contamination,

(2) Hand contact with ready-to-eat foods,

(3) Handwashing, and

(4) Maintaining the food establishment in a clean condition and in good repair;

(I) Explaining the relationship between food safety and providing equipment that is:

(1) Sufficient in number and capacity, and

- (2) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (J) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
- (K) Identifying the source of water used and measures taken to assure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (L) Identifying poisonous and toxic materials in the food establishment and the procedures necessary to assure that they are safely stored, dispensed, used, and disposed of according to law;
- (M) Identifying critical control points in the operation from purchasing through sale or service that may contribute to foodborne illness and explaining and demonstrating steps taken to assure that the points are controlled in accordance with the requirements of this Code;
- (N) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this Code, or an agreement between the regulatory authority and the establishment; and
- (O) Explaining the responsibilities, rights, and authorities assigned by this Code to the:
 - (1) Food employee,
 - (2) Person in charge, and
 - (3) Regulatory authority.
- (P) Demonstrating critical skills, and responding and offering information regarding such other related subjects as Department of Health agents deem appropriate.

Duties

2-103.11 Person in Charge.

The person in charge shall assure that:

- (A) Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under §6-202.111;

- (B) Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to assure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;
- (C) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Code;
- (D) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
- (E) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
- (F) Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures;
- (G) Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot and are not for consumption within 4 hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- (H) Employees are properly reheating and hot holding potentially hazardous foods;
- (I) Consumers who order raw or partially cooked foods of animal origin are informed as specified under § 3-603.11 that the food is not cooked sufficiently to assure its safety;
- (J) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing; and

(K) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets.

(L) The establishment/facility is operating in compliance with all regulatory requirements.

2-2 EMPLOYEE HEALTH

Subpart

2-201 Disease or Medical Condition

Disease or Medical Condition 2-201.11 *Responsibility of the Person in Charge to Require reporting by Food Employees and Applicants.**

employer requires employee reporting of:

The permit holder shall require food employees and food employee applicants to report to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food and active cases of tuberculosis and measles. A food employee or applicant shall report the information in a manner that allows the person in charge to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified in this section, if the food employee or applicant:

health status
employee is ill or was previously ill

- (A) Is diagnosed with, or had a past, illness due to:
- (1) *Salmonella typhi*,
 - (2) *Shigella* spp.,
 - (3) *Escherichia coli* O157:H7, or
 - (4) *Hepatitis A* virus infection;

employee has symptoms of:

- (B) Has a symptom caused by illness, infection, or other source that is:

· intestinal illness

- (1) Associated with an acute gastrointestinal illness such as:
 - (a) Abdominal cramps or discomfort,
 - (b) Diarrhea,

(c) Fever,

(d) Loss of appetite for 3 or more consecutive days,

(e) Vomiting, or

(f) Jaundice, or

· Boil or
infected wound

(2) A pustular lesion such as a boil or infected wound that is open or draining and is:

(a) On the hands, wrists, or exposed portions of the arms, or

(b) On other parts of the body, unless the lesion is covered by a dry, durable, tight fitting bandage;

activities

(C) Meets one or more of the following high-risk conditions:

employee at high
risk of becoming
ill:

· prepared or
consumed food
that caused
disease outbreak

(1) Is suspected of causing, or being exposed to, a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus illness including an outbreak at an event such as a family meal, church supper, or ethnic festival because the food employee or applicant:

(a) Prepared food implicated in the outbreak,

(b) Consumed food implicated in the outbreak, or

(c) Consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a carrier of the infectious agent, or

· lives with
ill person

(2) Lives in the same household as a person who is diagnosed with a disease caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus infection,

· lives with
*person involved
in disease
outbreak*

(3) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus infection,

· traveled
outside United States

(4) Traveled out of the country within the last 50 calendar days.

2-201.12 Exclusions and Restrictions.*

The person in charge shall:

*excluding ill
employees*

(A) Exclude a food employee from a food establishment if the food employee is diagnosed with *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus infection;

*restricting
employees:*

(B) Except as specified under ¶ (C) of this section, restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single service and single-use articles, in a food establishment if the food employee is:

*(serving general
population)*

· with symptoms
illness; or
past illness

(1) Suffering from a symptom specified in ¶ 2201.11(B), or

(2) Is not experiencing a symptom of acute gastroenteritis specified in Subparagraph 2-201.11(B)(1) but has a stool that yields a specimen culture that is positive for *Salmonella typhi*;

*excluding
employees:
(serving high-risk
population)*

(C) If the population served is a highly susceptible population, exclude a food employee or an applicant who:

· with symptoms of
illness; or

(1) Is experiencing a symptom of acute gastrointestinal illness specified in Subparagraph 2-201.11(B)(1) and meets *past illness* a high-risk condition specified in Subparagraphs 2-201.11 (C)(1)-(4),

(2) Is not experiencing a symptom of acute gastroenteritis specified in Subparagraph 2-201.11(B)(1) but has a stool that yields a specimen culture that is positive for *S. typhi*, *Shigella* spp., or *Escherichia coli* O157:H7,

(3) Had a past illness from *S. typhi* within the last 3 months, or

(4) Had a past illness from *Shigella* spp. or *E. coli* O157:H7 within the last month; and

*excluding and
restricting
jaundiced
employees*

(D) For a food employee or an applicant who is jaundiced:

(1) If the onset of jaundice occurred within the last 7 calendar days, exclude the food employee or applicant from the food establishment, or

(2) If the onset of jaundice occurred more than 7 calendar days before:

(a) Exclude the food employee or applicant from a food establishment that serves a highly susceptible population, or

(b) Restrict the food employee or applicant from activities specified in ¶ 2-201.12(B), if the food establishment does not serve a highly susceptible population.

2-201.13 Removal of Exclusions and Restrictions .

*reinstating an
excluded
employee who is:*

(A) The person in charge may remove an exclusion ***due to S. typhi, Shigella*** spp., *E. coli* O157:H7, or hepatitis A virus infection if the person in charge obtains approval from the Department of Health and if the person excluded (as specified in ¶ 2-201.12(A)) provides to the person in charge written medical documentation from a physician licensed to practice medicine that specifies that the excluded person:

(1) May work in an unrestricted capacity in a food establishment, including an establishment that serves a highly susceptible population, because the person is free of:

(a) The infectious agent of concern as specified in § 8-501.40, or

(b) Symptoms, if hepatitis A virus is the infectious agent of concern; or

· no longer ill

or

*· free of
jaundice;*

or:

*· does not serve
a high risk
population and*

(2) May only work in an unrestricted capacity in a food establishment that does not serve a highly susceptible population because the person:

· is free of
symptoms but

(a) Is free of the symptoms specified in Subparagraphs 2-201.11(B)(1)(a)-(f), and

· harbors an
infectious agent

(b) Has a stool that yields a specimen culture that is positive for *Shigella* spp., or *Escherichia coli* O157:H7.

reinstating a
restricted
employee who is:
· free of
symptoms

(B) The person in charge may remove a restriction specified in:

(1) Subparagraph 2-201.12(B)(1) if the restricted person:

(a) Is free of the symptoms specified in ¶ 2-201.11(B) and no foodborne illness occurs that may have been caused by the restricted person,

(b) Is suspected of causing foodborne illness but:

(i) Is free of the symptoms specified in ¶ 2-201.11(B), and

· free of
suspected
infectious agent

(ii) Provides written medical documentation from a physician licensed to practice medicine stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in § 8-501.40, or

· has symptoms
that are not
caused by an
infectious agent

(c) Provides written medical documentation from a physician licensed to practice medicine stating that the symptoms experienced result from a chronic noninfectious condition such as ulcerative colitis or irritable bowel syndrome; or

· no longer a
carrier of **S. typhi**

(2) Subparagraph 2-201.12(B)(2) if the restricted person provides written medical documentation according to the criteria specified in § 8-501.40 that indicates the stools are free of *Salmonella typhi*.

reinstating an
excluded employee
serving a high
risk population

(C) The person in charge may remove an exclusion specified under ¶ 2-201.12(C) if the excluded person provides written medical documentation from a physician licensed to practice medicine that the person is free of *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus infection, whichever is the infectious agent of concern, as specified in § 8-501.40.

reinstating an
employee who is:

(D) The person in charge may remove an exclusion specified in Subparagraph 2-201.12(D)(1) and Subparagraph 2-201.12(D)(2)(a) and a restriction specified in Subparagraph 2-201.12(D)(2)(b) if:

· free of
hepatitis A virus
or
· no longer
jaundiced

- (1) No foodborne illness occurs that may have been caused by the excluded or restricted person and the person:
 - (a) Provides written medical documentation from a physician licensed to practice medicine stating that the person is free of hepatitis A virus as specified in ¶ 8-501.40 (D), or
 - (b) Is no longer jaundiced; or
- (2) The excluded or restricted person is suspected of causing foodborne illness and complies with Subparagraphs (D)(1)(a) and (b) of this section.

2-201.14 Responsibility of a Food Employee or an Applicant to Report to the Person in Charge.*

A food employee or a person who applies for a job as a food employee shall:

- (A) In a manner specified in § 2-201.11, report to the person in charge the information specified in ¶¶ 2-201.11(A)-(D ~~C~~); and
- (B) Comply with exclusions and restrictions that are specified in ¶¶ 2-201.12(A)-(D).

2-201.15 Reporting by the Person In Charge.*

The person in charge shall notify the regulatory authority of a food employee or a person who applies for a job as a food employee who is diagnosed with, or is suspected of having an illness due to, *Salmonella typhi*, *Shigella* spp., *Escherichia coli* O157:H7, or hepatitis A virus infection.

2-3 PERSONAL CLEANLINESS

Subparts

2-301	Hands and Arms
2-302	Fingernails
2-303	Jewelry
2-304	Outer Clothing

Hands and Arms* 2-301.11 Clean Condition.

Food employees shall keep their hands and exposed portions of their arms clean.

2-301.12 Cleaning Procedure.*

Except as specified under § 2-301.13, food employees shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under ¶ 5-202.12(A) by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers.

2-301.13 Special Handwash Procedures.*

After defecating, contacting body fluids and discharges, or handling waste containing fecal matter, body fluids, or body discharges, and before beginning or returning to work, food employees shall wash their hands:

- (A) Twice, using the cleaning procedure specified in § 2-301.12;
and
- (B) By using a nailbrush during the first washing to clean their fingertips, under their fingernails, and between their fingers.

2-301.14 When to Wash.*

Food employees shall clean their hands and exposed portions of their arms as specified under §§ 2-301.12 or 2-301.13 at the following times:

- (A) **After touching bare human body parts** other than clean hands and clean, exposed portions of arms;
- (B) **After using the toilet room;**
- (C) **After caring for or handling support animals as allowed under § 2-403.11;**
- (D) **After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;**
- (E) **After handling soiled equipment or utensils;**
- (F) **Immediately before** engaging in **food preparation** including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles;
- (G) **During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;**
- (H) **When switching between** working with **raw foods and** working with **ready-to-eat foods**; or
- (I) **After** engaging in other **activities that contaminate** the hands.

2-301.15 Hand Sanitizers.

- (A) An alcohol-based, instant hand sanitizer lotion and a chemical hand sanitizing solution used as a hand dip shall:
 - (1) Consist of, or be made up of, a chemical formulation **specifically listed for use as a hand sanitizer** in 21 CFR 178.1010 Sanitizing solutions or their components shall be generally recognized as safe as specified in 21 CFR 182- Substances Generally Recognized As Safe and 21 CFR 184- Direct Food Substances Affirmed As Generally Recognized As Safe.

(2) Consist of, or be made up of, a chemical formulation that is not generally recognized as safe or listed for use as a hand sanitizer, and:

(a) Is followed by thorough hand rinsing in clean water or the use of gloves, or

(b) Is used only where there is no direct contact with food by the hands; and

(3) Be applied only to hands that are cleaned as specified under §§ 2-301.12 or 2-301.13.

(B) A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to 100-mg/L chlorine or above.

Fingernails

2-302.11 Maintenance.

Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are smooth and cleanable.

Jewelry

2-303.11 Prohibition.

While preparing food, food employees may not wear jewelry on their arms and hands. This section does not apply to a plain ring such as a wedding band.

Outer Clothing

2-304.11 Clean Condition.

Food employees shall wear clean outer clothing. When moving from a raw food operation to a ready-to-eat food operation, food employees shall wear a clean outer covering over clothing or change to clean clothing if their clothing is soiled.

2-4 HYGIENIC PRACTICES

Subparts

2-401	Food Contamination Prevention
2-402	Hair Restraints
2-403	Animals

Food Contamination Prevention

2-401.11 Eating, Drinking, or Using Tobacco.*

(A) Except as specified in ¶ (B) of this section, an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can not result.

(B) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

- (1) The employee's hands;
- (2) The container; and
- (3) Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

2-401.12 Discharges from the Eyes, Nose, and Mouth.*

Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.

Hair Restraints **2-402.11 Effectiveness.**

(A) Except as provided under ¶ (B) of this section, food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

(B) This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

Animals

2-403.11 Handling Prohibition.*

(A) Except as specified in ¶ (B) of this section, food employees may not care for or handle animals that may be present such as patrol dogs, support animals, or pets that are allowed under Subparagraphs 6-501.115(B)(2)-(4).

(B) Food employees with support animals may care for their support animals if they wash their hands as specified under § 2-301.13 before working with exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

Chapter

3

Food

Parts

- 3-1 CHARACTERISTICS**
- 3-2 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS**
- 3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING**
- 3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN**
- 3-5 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN**
- 3-6 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING**
- 3-7 CONTAMINATED FOOD**

3-1 CHARACTERISTICS

Subpart

3-101 Condition

Condition **3-101.11 Safe, Unadulterated, and Honestly Presented.***

Food shall be safe, unadulterated, and, as specified under
§ 3-601.12, honestly presented.

3-2 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS

Subparts

3-201	Sources
3-202	Specifications for Receiving
3-203	Original Containers and Records

Sources

3-201.11 Compliance with Food Law.*

- (A) Food shall be obtained from sources that comply with law.
- (B) Food prepared in a private home may not be used or offered for human consumption in a food establishment.
- (C) Packaged food shall be labeled as specified in law, including 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under §§ 3-202.18 and 3-202.19.
- (D) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified under Subparagraph 3-401.11(B)(1) shall be obtained from a supplier that freezes the fish as specified under § 3-402.11; or shall be frozen on the premises as specified under § 3-402.11 and records shall be retained as specified under § 3-402.12.

3-201.12 Hermetically Sealed Food.*

Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

3-201.13 Fluid Milk and Milk Products.*

Fluid milk and milk products shall be obtained from sources that comply with Grade A standards as specified in law.

3-201.14 Fish.*

(A) Fish may not be received for sale or service unless they are:

- (1) Commercially and legally caught or harvested; or
- (2) Except as specified under ¶ (B) of this section, caught recreationally and:
 - (a) Approved for sale or service by the regulatory authority, and
 - (b) If the fish are scombrototoxin-prone or are reef fish subject to ciguatera toxin, their source, preparation, and distribution are controlled under conditions of a variance granted by the regulatory authority as specified in § 8-103.10.

(B) Molluscan shellfish that are recreationally caught may not be received for sale or service.

3-201.15 Molluscan Shellfish.*

(A) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Manual of Operations.

(B) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

3-201.16 Wild Mushrooms.*

(A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert approved by the regulatory authority.

(B) This section does not apply to:

- (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or

- (2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

3-201.17 Game Animals, Prohibition.*

(A) Except as specified in ¶ (B) of this section, game animals may not be received for sale or service.

(B) This section does not apply to the sale or service of:

(1) Game animals commercially raised for food that:

- (a) Are raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or
- (b) Are under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction and are raised, slaughtered, and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program. The agencies shall consider factors such as the need for antemortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority.

(2) As allowed by law, field-dressed wild game animals that are under a routine inspection program under which the animals:

- (a) Receive a postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority,
- (b) Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and
- (c) Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program; or

(3) Exotic species of animals including animals raised for exhibition purposes in a zoo or circus that:

(a) Meet Subparagraph (B)(1)(a) of this section, or

(b) Receive antemortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority, and

(c) Are slaughtered and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

**Specifications
for Receiving**

3-202.11 Temperature.*

(A) Except as specified in ¶ (B) of this section, refrigerated, potentially hazardous food shall be at a temperature of 5°C (41°F) or below when received.

(B) Fluid milk and milk products, molluscan shellstock, and shell eggs may be received at their respective temperatures according to laws governing their distribution.

(C) Except as specified under ¶ (D) of this section, potentially hazardous food that is cooked to a temperature and for a time specified under §§ 3-401.11 - 3-401.15 and received hot shall be at a temperature of 60°C (140°F) or above.

(D) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

3-202.12 Additives.*

Food may not contain unapproved food additives or additives that exceed amounts allowed in 21 CFR, 170-180 relating to food additives, GRAS or prior sanctioned substances that exceed amounts allowed in 21 CFR, 181-186, or pesticide residues that exceed provisions specified in 40 CFR 185 Tolerances for Pesticides in Food administered by the EPA.

3-202.13 Shell Eggs.*

Shell eggs shall be clean and received whole and without cracks or checks.

3-202.14 Liquid, Frozen, and Dry Eggs.*

Liquid, frozen, and dry eggs and egg products shall be obtained pasteurized.

3-202.15 Fluid, Frozen, and Dry Milk and Milk Products.*

Fluid, frozen, and dry milk and milk products shall be obtained pasteurized unless alternative procedures to pasteurization are provided for in the CFR, such as in 21 CFR 133 - Cheeses and Related Cheese Products, for curing certain cheese varieties.

3-202.16 Package Integrity.*

Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

3-202.17 Ice.*

Ice for use as a food or a cooling medium shall be made from drinking water.

3-202.18 Shucked Molluscan Shellfish, Packaging and Identification.

Raw and frozen shucked molluscan shellfish shall be obtained in nonreturnable packages legibly bearing the name of the person who shucks and packs the shellfish, the person's authorized certification number, and the "sell by" date for packages with a capacity of less than 1.87 L (one-half gallon) or the date shucked for packages with a capacity of 1.87 L (one-half gallon) or more.

3-202.19 Molluscan Shellstock Identification.*

Molluscan shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Manual of Operations, Part II Sanitation of the Harvesting, Processing and Distribution of Shellfish, and that list:

(A) Except as specified under ¶ (C) of this section, on the harvester's tag or label, the following information in the following order:

- (1) The harvester's identification number that is assigned by the shellfish control authority,
- (2) The date of harvesting,
- (3) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested,
- (4) The type and quantity of shellfish, and
- (5) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days;" and

(B) Except as specified under ¶ (D) of this section, on each dealer's tag or label, the following information in the following order:

- (1) The dealer's name and address, and the certification number assigned by the shellfish control authority,
- (2) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested,
- (3) The information specified in Subparagraphs (A)(2)-(4) of this section, and

- (4) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for 90 days."
- (C) If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first.
- (D) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Subparagraphs (B)(1) and (2) of this section, individual dealer tags or labels need not be provided.

3-202.110 Molluscan Shellstock, Condition.

When received by a food establishment, molluscan shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish and shellstock with badly broken shells shall be discarded.

Original Containers and Records

3-203.11 Molluscan Shellfish, Original Container.

(A) Except as specified in ¶¶ (B) and (C) of this section, molluscan shellfish may not be removed from the container in which they were received other than immediately before sale or preparation for service.

(B) Molluscan shellstock may be removed from the container in which they were received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:

- (1) The source of the shellstock on display is identified as specified under § 3-202.19 and recorded as specified under § 3-203.12; and
- (2) The shellstock are protected from contamination.

(C) Shucked molluscan shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:

(1) The labeling information for the shellfish on display as specified under § 3-202.18 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(2) The shellfish are protected from contamination.

3-203.12 Shellstock, Maintaining Identification.*

The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for 90 calendar days from the date the container is emptied by:

(A) Using a record keeping system approved by the regulatory authority that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served; and

(B) If shellstock are removed from their tagged or labeled container:

(1) Using only 1 tagged or labeled container at a time, or

(2) Using more than 1 tagged or labeled container at a time and obtaining a variance from the regulatory authority as specified in § 8-103.10 based on a HACCP plan that:

(a) Is submitted by the permit holder and approved by the regulatory authority as specified under § 8-103.11,

(b) Preserves source identification by using a record keeping system as specified under ¶ (A) of this section, and

(c) Assures that shellstock from one tagged or labeled container are not commingled with shellstock from another container before being ordered by the consumer.

3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING

Subparts

3-301	Preventing Contamination by Employees
3-302	Preventing Food and Ingredient Contamination
3-303	Preventing Contamination from Ice Used as a Coolant
3-304	Preventing Contamination from Equipment, Utensils, and Wiping Cloths
3-305	Preventing Contamination from the Premises
3-306	Preventing Contamination by Consumers

Preventing Contamination by Employees

3-301.11 Preventing Contamination from Hands.*

(A) Food employees shall wash their hands as specified under §§ 2-301.12 and 2-301.13.

(B) Except when washing fruits and vegetables as specified under § 3-302.15, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves.

Preventing Food and Ingredient Contamination

3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.*

(A) Food shall be protected from cross contamination by:

(1) Separating raw animal foods during storage, preparation, holding, and display from:

(a) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as vegetables, and

(b) Cooked ready-to-eat food;

(2) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

- (a) Using separate equipment for each type, or
 - (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented, and
 - (c) Preparing each type of food at different times or in separate areas;
- (3) Cleaning equipment and utensils as specified under ¶ 4-602.11(A) and sanitizing as specified under § 4-703.11;
 - (4) Except as specified in ¶ (B) of this section, storing the food in packages, containers, or wrappings;
 - (5) Cleaning hermetically sealed food containers of visible soil before opening;
 - (6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
 - (7) Storing damaged, spoiled, or recalled food being held in the establishment as specified under § 6-404.11; and
 - (8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from ready-to-eat food.
- (B)** Subparagraph (A)(4) of this section does not apply to:
- (1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;
 - (2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
 - (3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks; or
 - (4) Food being cooled as specified under Subparagraph 3-501.15(B)(2).

3-302.12 Food Storage Containers, Identified with Common Name of Food.

Working containers holding food or food ingredients that are removed from their original packages for use in the establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food except that containers holding food that can be readily and unmistakably recognized such as dry pasta need not be identified.

3-302.13 Pasteurized Eggs, Substitute for Shell Eggs for Certain Recipes and Populations.*

Pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for shell eggs in the preparation of:

- (A) Foods that are not cooked as specified in Subparagraphs 3-401.11(A)(1) or (2) such as eggs used in Caesar salad, hollandaise or bernaise sauce, noncommercial mayonnaise, eggnog, ice cream, and egg-fortified beverages; and
- (B) Eggs for a highly susceptible population if the eggs are broken, combined in a container, and not cooked immediately or if the eggs are held before service following cooking.

3-302.14 Protection from Unapproved Additives.*

- (A) Food shall be protected from contamination that may result from the addition of, as specified under § 3-202.12:
 - (1) Unsafe or unapproved food or color additives; and
 - (2) Unsafe or unapproved levels of approved food and color additives.
- (B) A food employee may not:
 - (1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B₁; or
 - (2) Serve or sell food specified in Subparagraph B(1) of this section that is treated with sulfiting agents before receipt by the establishment, except that grapes need not meet this subparagraph.

3-302.15 Washing Fruits and Vegetables.

(A) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form except that whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

(B) Fruits and vegetables may be washed by using chemicals as specified under § 7-204.12.

***Preventing
Contamination
from Ice Used
as a Coolant***

**3-303.11 Ice Used as Exterior Coolant,
Prohibited as Ingredient.**

After use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.

**3-303.12 Storage or Display of Food in Contact with Water
or Ice.**

(A) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(B) Except as specified in ¶¶ (C) and (D) of this section, unpackaged food may only be stored in direct contact with drained ice.

(C) Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

(D) Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

***Preventing
Contamination
from Equipment,
Utensils, and
Wiping Cloths***

3-304.11 Food Contact with Equipment and Utensils.*

Food may not contact:

- (A) Probe-type price or identification tags; ^S and
- (B) Surfaces of utensils and equipment that are not cleaned as specified under Part 4-6 of this Code.

3-304.12 In-Use Utensils, Between-Use Storage.

During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

- (A) In the food with their handles above the top of the food and the container;
- (B) On a clean portion of the food preparation table or cooking equipment and shall be cleaned and sanitized at a frequency specified under §§ 4-602.11 and 4-702.11;
- (C) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes; or
- (D) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous.

3-304.13 Wiping Cloths, Used for One Purpose.

- (A) Cloths that are in use for wiping food spills shall be used for no other purpose.
- (B) Cloths used for wiping food spills shall be:
 - (1) Dry and used for wiping food spills from tableware and carry-out containers; or
 - (2) Moist and cleaned as specified under ¶ 4-802.11(D), stored in a chemical sanitizer as specified under 21 CFR 178.1010 Sanitizing solutions, and used for wiping spills from food-contact and nonfood-contact surfaces of equipment.

(C) Dry or moist cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and moist cloths used with raw animal foods shall be kept in a separate sanitizing solution.

3-304.14 Single-Use Gloves, Used for One Purpose and Discarded.*

If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

3-304.15 Consumer Self-Service, Using Clean Tableware When Obtaining Second Portions and Refills.

(A) Except as specified in ¶ (B) of this section, self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.

(B) Cups and glasses may be reused by self-service consumers if refilling is a contamination-free process as specified under ¶¶ 4-204.13(A), (B), and (D).

3-304.16 Refilling Returnables.

(A) A take-home food container returned to a food establishment may not be refilled at a food establishment with a potentially hazardous food.

(B) Returnables refilled with food that is not potentially hazardous shall be cleaned as specified under § 5-503.12.

3-305.11 Food Storage.

(A) Except as specified in ¶¶ (B) and (C) of this section, food shall be protected from contamination by storing the food:

- (1) In a clean, dry location;

*Preventing
Contamination
from the
Premises*

- (2) Where it is not exposed to splash, dust, or other contamination; and
- (3) At least 15 cm (6 inches) above the floor.
- (B) Food in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling equipment as specified under § 4-204.121.
- (C) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

3-305.12 Food Storage, Prohibited Areas.

Food may not be stored:

- (A) In locker rooms;
- (B) In toilet rooms;
- (C) In dressing rooms;
- (D) In garbage rooms;
- (E) In mechanical rooms;
- (F) Under sewer lines that are not shielded to intercept potential drips;
- (G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (H) Under open stairwells; or
- (I) Under other sources of contamination.

3-305.13 Vended Potentially Hazardous Food, Original Container.

Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the food establishment or food processing plant at which it was prepared.

***Preventing
Contamination
by Consumers***

3-306.11 Food Display.

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means.

3-306.12 Condiments, Protection.

(A) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

(B) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at a location that is approved by the regulatory authority, such as the food establishment that provides food to the vending machine location, a food processing plant that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.

3-306.13 Consumer Self-Service Operations.*

(A) Exposed, raw animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. *This paragraph does not apply to consumer self-service of exposed ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish, or to ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue.*

(B) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.^N

(C) Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.^N

3-306.14 Reservice.*

(A) Except as specified in ¶ (B) of this section, after being served to a consumer, food that is unused by the consumer shall be discarded.

(B) Food that is not potentially hazardous, such as crackers and condiments, is in an unopened original package, and is maintained in sound condition may be served again if it is served in a food establishment that does not serve a highly susceptible population.

3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

Subparts

3-401	Cooking
3-402	Freezing
3-403	Reheating

Cooking

3-401.11 Raw Animal Foods.*

(A) Except as specified in ¶ (B) and under ¶ (C) of this section and under § 3-302.13, raw animal foods such as eggs, fish, poultry, meat, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that are at least:

(1) 63°C (145°F) or above for 15 seconds for:

(a) Shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and

(b) Fish and meat that are not specified in ¶ (A)(2) of this section;

(2) For pork and game animals, comminuted fish and meats, injected meats, and eggs that are not prepared as specified in Subparagraph (A)(1)(a) of this section, 68°C (155°F) for 15 seconds or the temperature specified in § 3-401.12 that corresponds to the cooking time;

(3) As specified in § 3-401.14 for roasts of beef and corned beef; or

- (4) 74°C (165°F) or above for 15 seconds for field-dressed wild game animals as specified in Subparagraph 3-201.17(B)(2), poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry.

(B) *Paragraph (A) of this section does not apply if:*

- (1) *The food is a raw animal food such as raw, marinated fish; raw molluscan shellfish; steak tartare; or a partially cooked food such as lightly cooked fish, rare meat, and soft cooked eggs that is served or offered for sale in a ready-to-eat form, and the consumer is informed as specified under § 3-603.11 that to assure its safety, the food should be cooked as specified under ¶ (A) of this section; or*
- (2) *The regulatory authority grants a variance from ¶ (A) of this section as specified in § 8-103.10 based on a HACCP plan that:*
 - (a) *Is submitted by the permit holder and approved by the regulatory authority as specified under § 8-103.11,*
 - (b) *Documents scientific data or other information that shows that a lesser time and temperature regimen results in a safe food, and*
 - (c) *Verifies that equipment and procedures for food preparation and training of food employees at the establishment meet the conditions of the variance.*
- (3) *Establishments serving a highly susceptible population shall not be exempt from the cooking requirements as specified in ¶ (A) of this section, and children 12 years of age and under shall only be served comminuted meat cooked as specified in ¶ (A) of this section.*

(C) *Beef roasts shall be cooked:*

- (1) *In an oven that is preheated to the temperature specified for their weight in § 3-401.13 and that is held at or above that temperature; and*
- (2) *To a food temperature as specified in § 3-401.14 and held for the corresponding amount of time specified in § 3-401.14 for that temperature.*

3-401.12 Minimum Food Temperature and Holding Time Required Under Subparagraph 3-401.11(A)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats.*

Minimum	
Temperature °C (°F)	Time
63 (145)	3 minutes
66 (150)	1 minute

3-401.13 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef.*

Oven Type	Oven Temperature	
	Roast Weight	
	Less than or equal to 4.5 kg (10 lbs)	Greater than 4.5 kg (10 lbs)
Still Dry	177°C (350°F)	121°C (250°F)
Convection	163°C (325°F)	163°C (325°F)
High Humidity ¹	less than 121°C (250°F)	less than 121°C (250°F)
¹ Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.		

3-401.14 Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef.*

Temperature °C (°F)	Time ¹	Temperature °C (°F)	Time ¹	Temperature °C (°F)	Time ¹
54 (130)	121 minutes	58 (136)	32 minutes	61 (142)	8 minutes
56 (132)	77 minutes	59 (138)	19 minutes	62 (144)	5 minutes
57 (134)	47 minutes	60 (140)	12 minutes	63 (145)	3 minutes
¹ Holding time may include postoven heat rise.					

3-401.15 Microwave Cooking.*

Raw animal foods cooked in a microwave oven shall be:

- (A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (B) Covered to retain surface moisture;
- (C) Heated an additional 14°C (25°F) above the temperature specified in Subparagraphs 3-401.11(A)(1),(2), and (4) to compensate for shorter cooking times; and
- (D) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

Freezing

3-402.11 Parasite Destruction.*

Before service or sale in ready-to-eat form, raw, marinated, or partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:

- (A) -20°C (-4°F) or below for 168 hours (7 days) in a freezer; or
- (B) -35°C (-31°F) or below for 15 hours in a blast freezer.

3-402.12 Records, Creation and Retention.

(A) Except as specified in ¶ (B) of this section, if raw, marinated, or partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the food establishment for 90 calendar days beyond the time of service or sale of the fish.

(B) *If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under § 3-402.11 may substitute for the records specified under ¶ (A) of this section.*

Reheating

3-403.11 Reheating for Hot Holding.*

(A) Except as specified under ¶¶ (B) and (C) of this section, potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 74° C (165° F) for 15 seconds.

(B) Food reheated in a microwave oven shall be covered; rotated or stirred throughout or midway during cooking or according to label instructions during heating; heated to a temperature of at least 88° C (190° F); and allowed to stand covered 2 minutes after reheating.

(C) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 60° C (140° F) for hot holding.

(D) Reheating shall be done rapidly and the minimum temperature specified under ¶ (A) of this section shall be reached within 2 hours.

3-5 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

Subparts

3-501	Temperature and Time Control
3-502	Specialized Processing Methods

Temperature and Time Control

3-501.11 Frozen Food.

Stored frozen foods shall be maintained frozen.

3-501.12 Potentially Hazardous Food, Slacking.

Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:

(A) Under refrigeration that maintains the food temperature at 5° C (41° F) or below; or

(B) At any temperature if the food remains frozen.

3-501.13 Thawing.

Potentially hazardous food shall be thawed:

(A) Under refrigeration that maintains the food temperature at 5°C (41°F), or below;

(B) Completely submerged under running water:

(1) At a water temperature of 21°C (70°F) or below,

(2) With sufficient water velocity to agitate and float off loose particles in an overflow, and

(3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 5°C (41°F), or

(4) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified in Subparagraphs 3-401.11(A)(1)-(4) to be above 5°C (41°F) for more than 4 hours including the time the food is exposed to the running water and the time needed for preparation for cooking or the time it takes under refrigeration to lower the food temperature to 5°C (41°F); or

(C) As part of a cooking process if the food that is frozen is cooked as specified in Subparagraphs 3-401.11(A)(1)-(4) with no interruption in the process.

3-501.14 Cooling.*

(A) Cooked potentially hazardous food shall be cooled:

(1) From 60°C (140°F) to 21°C (70°F) within 2 hours; and

(2) From 21°C (70°F) to 5°C (41°F), or below, within 4 hours.

(B) Potentially hazardous food shall be cooled to 5°C (41°F) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(C) Fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 5°C (41°F) or below within 4 hours.

3-501.15 Cooling Methods.

(A) Cooling shall be accomplished in accordance with the time and temperature criteria specified under § 3-501.14 by using one or more of the following methods based on the type of food being cooled:

- (1) Placing the food in shallow pans;
- (2) Separating the food into smaller or thinner portions;
- (3) Using rapid cooling equipment;
- (4) Stirring the food in a container placed in an ice water bath;
- (5) Using containers that facilitate heat transfer;
- (6) Adding ice as an ingredient; or
- (7) Other effective methods.

(B) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

- (1) Arranged in the equipment to provide maximum heat transfer through the container walls; and
- (2) Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 3-305.11 (A)(2), during the cooling period to facilitate heat transfer from the surface of the food.

3-501.16 Potentially Hazardous Food, Hot and Cold Holding.*

Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.19, potentially hazardous food shall be maintained:

(A) At 60°C (140°F) or above; or

(B) At 5°C (41°F) or below.

3-501.17 Ready-to-Eat, Potentially Hazardous Food, Date Marking.*

(A) Refrigerated, ready-to-eat, potentially hazardous food prepared and held for more than 24 hours in a food establishment shall be marked with the date of preparation.

(B) Except as specified in ¶ (C) of this section, a container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by another food establishment or a food processing plant shall be marked to indicate the date, as specified under ¶ 3-501.18(C), by which the food shall be sold or served.

(C) *Paragraph (B) of this section does not apply to:*

(1) Cured meats and aged cheese; and

(2) Individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

3-501.18 Ready-to-Eat, Potentially Hazardous Food, Disposition.*

(A) Refrigerated, ready-to-eat, potentially hazardous food specified in ¶ 3-501.17(A) shall be discarded if not sold or served within 10 calendar days;

(B) Refrigerated, ready-to-eat, potentially hazardous food in vending machines with an automatic shut-off control that is activated at a temperature between 5°C (41°F) and 7°C (45°F) shall be discarded if not sold within 3 days; and

(C) An ingredient or a container of refrigerated, ready-to-eat, potentially hazardous food specified in ¶ 3-501.17(A) or (B) shall be discarded if not sold or served within 10 calendar days after the original package is opened or by the manufacturer's "sell by" or use by" date, whichever occurs first.

3-501.19 Time as a Public Health Control.*

Time only, rather than time in conjunction with temperature, may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, if:

- (A) The food is marked or otherwise identified with the time within which it shall be cooked, served, or discarded;
- (B) The food is served or discarded within 4 hours from the point in time when the food is removed from temperature control and the total time, including cooling time, that the food has been between 7°C (45°F) and 60°C (140°F) does not exceed 4 hours;
- (C) Food in unmarked containers or packages, or for which the time expires, is discarded; and
- (D) Written approved procedures that assure compliance with ¶¶ (A)-(C) of this section are maintained in the establishment and made available to the regulatory authority upon request.

Specialized Processing Methods

3-502.11 Variance Requirement.*

A food establishment shall obtain a variance from the regulatory authority as specified in § 8-103.10 and under § 8-103.11 before smoking or curing food; brewing alcoholic beverages; using food additives as a method of food preservation rather than as a method of flavor enhancement; using a reduced oxygen method of packaging food except as specified in § 3-502.12 where a barrier to *Clostridium botulinum* exists; custom processing animals that are for personal use as food and not for sale or service in a food establishment; or preparing food by another method that is determined by the regulatory authority to require a variance.

3-502.12 Reduced Oxygen Packaging, Criteria.*

- (A) A food establishment that packages food using a reduced oxygen packaging method shall have a HACCP plan that contains the information specified under § 8-201.14(D) and that:
 - (1) Identifies the food to be packaged;

- (2) Limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it:
- (a) Has an a_w of 0.91 or less,
 - (b) Has a pH of 4.6 or less,
 - (c) Is a meat product cured at a processing plant regulated by the U.S. Department of Agriculture using a combination of nitrites, nitrates, and salt that at the time of processing consists of 120 mg/L or higher concentration of sodium nitrite and a brine concentration of at least 3.50% and is received in an intact package, or
 - (d) Is a food with a high level of competing organisms such as raw meat or raw poultry;
- (3) Specifies methods for maintaining food at 5°C (41°F) or below;
- (4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
- (a) Maintain the food at 5°C (41°F) or below, and
 - (b) Discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;
- (5) Limits the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;
- (6) Includes operational procedures that:
- (a) Prohibit contacting food with bare hands,
 - (b) Identify a designated area and the method by which:

- (i) Physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, and
 - (ii) Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation, and
 - (c) Delineate cleaning and sanitation procedures for food- contact surfaces; and
- (7) Describes the training program that assures that the individual responsible for the reduced oxygen packaging operation understands the:
- (a) Concepts required for a safe operation,
 - (b) Equipment and facilities, and
 - (c) Procedures specified in Subparagraph (A)(6) of this section and ¶ 8-201.14(D) .
- (B)** *Except for fish that is frozen before, during, and after packaging,* a food establishment may not package fish using a reduced oxygen packaging method.

3-6 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING

Subparts

3-601	Accurate Representation
3-602	Labeling
3-603	Consumer Advisory

Accurate Representation

3-601.11 Standards of Identity.

Packaged foods shall comply with standards of identity, including 21 CFR 130 Food Standards: General, 9 CFR 319 Definitions and Standards of Identity or Composition, and 9 CFR Subpart P Definitions and Standards of Identity or Composition.

3-601.12 Honestly Presented.

(A) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(B) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of food.

Labeling

3-602.11 Packaged Food Labels.

Food packaged in a food establishment shall be labeled according to law, including 21 CFR 101 Food Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 317 Subpart N Labeling and Containers.

3-602.12 Other Forms of Information.

(A) Consumer information, such as nutritional information, and consumer warnings if required by law, shall be provided.

(B) Food establishment or manufacturers' dating information on foods may not be concealed or altered.

(C) Except as specified in ¶ (D) of this section, bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:

- (1) The manufacturer's or processor's label that was provided with the food;
or
- (2) A card, sign, or other method of notification that includes:
 - (a) The common name of the food,
 - (b) A list of ingredients in order of predominance,
 - (c) A declaration of artificial color or flavor and chemical preservatives, if contained in the food, and
 - (d) Nutrition labeling if specified in 21 CFR 101 Food Labeling.

(D) *Unpackaged bulk foods such as bakery products need not comply with ¶ (C) of this section if:*

- (1) *A health claim is not made;*
- (2) *There are no state or local laws requiring labeling; and*
- (3) *The unpackaged food is manufactured or prepared on the premises of the food establishment or by the same owner at a food establishment or a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.*

***Consumer
Advisory***

3-603.11 Consumption of Raw or Undercooked Animal Foods.*

If a raw or undercooked animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the permit holder shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means of the significantly increased risk associated with certain especially vulnerable consumers eating such foods in raw or undercooked form.

3-7 CONTAMINATED FOOD

Subpart

3-701 Disposition

Disposition* 3-701.11 Discarding Food Contaminated by Persons.

- (A) Ready to eat food that may have been contaminated by an employee who has been restricted or excluded as specified in § 2-201.12 shall be discarded.
- (B) Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

Chapter

4

Equipment, Utensils, and Linens

Parts

- 4-1 MATERIALS FOR CONSTRUCTION AND REPAIR
- 4-2 DESIGN AND CONSTRUCTION
- 4-3 NUMBERS AND CAPACITIES
- 4-4 LOCATION AND INSTALLATION
- 4-5 MAINTENANCE AND OPERATION
- 4-6 CLEANING OF EQUIPMENT AND UTENSILS
- 4-7 SANITIZATION OF EQUIPMENT AND UTENSILS
- 4-8 LAUNDERING
- 4-9 PROTECTION OF CLEAN ITEMS

4-1 MATERIALS FOR CONSTRUCTION AND REPAIR

Subparts

- 4-101 Multiuse
- 4-102 Single-Service and Single-Use

Multiuse

4-101.11 Characteristics.*

Materials that are used in the construction of utensils and food- contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

- (A) Safe;
- (B) Durable, corrosion-resistant, and nonabsorbent; ^N
- (C) Sufficient in weight and thickness to withstand repeated warewashing; ^N

(D) Finished to have a smooth, easily cleanable surface;^N and

(E) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.^N

4-101.12 Cast Iron, Use Limitation.

(A) Except as specified in ¶¶ (B) and (C) of this section, cast iron may not be used for utensils or food-contact surfaces of equipment.

(B) *Cast iron may be used as a surface for cooking.*

(C) *Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.*

4-101.13 Ceramic, China, and Crystal Utensils, Use Limitation.

Ceramic, china, crystal utensils, and decorative utensils such as hand painted ceramic or china that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Description	Maximum Lead (mg/L)
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls > 1.1 L (1.16 QT)	1
Small Hollowware	Bowls < 1.1 L (1.16 QT)	2.0
Flat Utensils	Plates, Saucers	3.0

4-101.14 Copper, Use Limitation.*

Copper and copper alloys such as brass may not be used in contact with a food that has a pH below 7 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

4-101.15 Galvanized Metal, Use Limitation.*

Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used for beverages, moist food, or hygroscopic food.^S

4-101.16 Linens, Napkins, and Sponges, Use Limitation.

(A) Except as specified in ¶¶ (B) and (C) of this section, linens, napkins, and sponges may not be used in contact with food.

(B) Linens and napkins may be used to line containers used for the service of foods if the linens and napkins are replaced each time the container is refilled for a new consumer.

(C) Cloth gloves may be used in direct contact with food that is subsequently cooked as required under Part 3-4 such as frozen food or a primal cut of meat.

(D) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

4-101.17 Pewter, Use Limitation.

Pewter may not be used as a food-contact surface. Imitation pewter meeting the characteristics of multiuse utensils specified under § 4-101.11 may be used as a food-contact surface.

4-101.18 Solder and Flux, Use Limitation.

Solder and flux containing lead in excess of 0.2% may not be used on surfaces that contact food.

4-101.19 Wood, Use Limitation.

(A) Except as specified in ¶¶ (B), (C), and (D) of this section, wood and wood wicker may not be used as a food-contact surface.

(B) *Hard maple or an equivalently hard, close-grained, nonabsorbent wood may be used for:*

(1) *Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and*

(2) *Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110°C (230°F) or above.*

(C) *Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.*

(D) *If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:*

(1) *Untreated wood containers; or*

(2) *Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.*

4-101.110 Nonfood-Contact Surfaces.

Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

Single-Service and Single-Use

4-102.11 Characteristics.*

Materials that are used to make single-service and single-use articles:

(A) May not:

- (1) Allow the migration of deleterious substances; or
- (2) Impart colors, odors, or tastes to food; ^N
and
- (B) Shall be:
 - (1) Safe; and
 - (2) Clean. ^N

4-2 DESIGN AND CONSTRUCTION

Subparts

4-201	Durability and Strength
4-202	Cleanability
4-203	Accuracy
4-204	Functionality

Durability and Strength

4-201.11 Equipment and Utensils.

Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

4-201.12 Food Temperature Measuring Devices.*

Food temperature measuring devices may not have sensors or stems constructed of glass, *except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.*

Cleanability

4-202.11 Food-Contact Surfaces.*

Multiuse food-contact surfaces shall be:

- (A) Smooth;
- (B) Free of breaks, open seams, cracks, chips, pits, and similar imperfections;

- (C) Free of sharp internal angles, corners, and crevices;
- (D) Finished to have smooth welds and joints; and
- (E) Accessible for cleaning and inspection by one of the following methods:
 - (1) Without being disassembled,
 - (2) By disassembling without the use of tools, or
 - (3) By easy disassembling with the use of only simple tools such as mallets, screw drivers, or wrenches that are kept near the equipment and are accessible for use.

4-202.12 CIP Equipment.

- (A) CIP equipment shall meet the characteristics specified under § 4-202.11 and shall be designed and constructed so that:
 - (1) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces, and
 - (2) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and
- (B) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to assure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

4-202.13 "V" Threads, Use Limitation.

"V" type threads may not be used on food-contact surfaces. *This section does not apply to hot oil cooking or filtering equipment.*

4-202.14 Hot Oil Filtering Equipment.

Hot oil filtering equipment shall meet the characteristics specified under § 4-202.11 or § 4-202.12 and shall be readily accessible for filter replacement and cleaning of the filter.

4-202.15 Can Openers.

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

4-202.16 Nonfood-Contact Surfaces.

Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

4-202.17 Kick Plates, Removable.

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

- (A) Removable by one of the methods specified in Subparagraphs 4-202.11(E)(1)-(3) or capable of being rotated open; and
- (B) Removable or capable of being rotated open without unlocking equipment doors.

Accuracy

4-203.11 Food Temperature Measuring Devices.

- (A) Food temperature measuring devices that are scaled only
In Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to $\pm 1^{\circ}\text{C}$ (1.8°F).
- (B) Food temperature measuring devices that are scaled only in
Fahrenheit shall be accurate to $\pm 2^{\circ}\text{F}$.

4-203.12 Ambient Temperature Measuring Devices.

- (A) Ambient temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to $\pm 1.5^{\circ}\text{C}$ (2.7°F) at the use range.
- (B) Ambient temperature measuring devices that are scaled only in
Fahrenheit shall be accurate to $\pm 3^{\circ}\text{F}$ at the use range.

4-204.11 Ventilation Hood Systems, Drip Prevention.

Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

4-204.12 Equipment Openings, Closures and Deflectors.

(A) A cover or lid for equipment shall overlap the opening and be sloped to drain.

(B) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).

(C) Except as specified under ¶ (D) of this section, fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.

(D) If a watertight joint is not provided:

(1) The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from food openings; and

(2) The opening shall be flanged as specified under ¶ (B) of this section.

4-204.13 Dispensing Equipment, Protection of Equipment and Food.

In equipment that dispenses or vends liquid food or ice in unpackaged form:

(A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;

(B) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(C) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

(1) Located in an area that is outside the confines of a regulated food establishment which otherwise afford protection against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

(2) Available for self-service during hours when it is not under the full-time supervision of a food employee; and

(D) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

4-204.14 Vending Machines, Vending Stage Closure.

The dispensing compartment of vending machines including machines that are designed to vend prepackaged, snack foods that are not potentially hazardous such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machines are:

(A) Located in an area that is outside the confines of a regulated food establishment which otherwise afford protection against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(B) Available for self-service during hours when it is not under the full-time supervision of a food employee.

4-204.15 Bearings and Gear Boxes, Leakproof.

Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.

4-204.16 Beverage Tubing, Separation.

Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice. *This section does not apply to cold plates that are constructed integrally with an ice storage bin.*

4-204.17 Ice Units, Separation of Drains.

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

4-204.18 Condenser Unit, Separation.

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

4-204.19 Can Openers on Vending Machines.

Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.

4-204.110 Molluscan Shellfish Tanks.

(A) Except as specified under ¶ (B) of this section, molluscan shellfish life support system display tanks may only be used to display shellfish that are not offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(B) Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the regulatory authority as specified in § 8-103.10 and a HACCP plan that:

- (1) Is submitted by the permit holder and approved by the regulatory authority as specified under § 8-103.11; and
- (2) Assures that:

- (a) Water used with fish other than molluscan shellfish does not flow into the molluscan tank,
- (b) The safety and quality of the shellfish as they were received are not compromised by use of the tank, and
- (c) The identity of the source of the shellstock is retained as specified under § 3-203.12.

4-204.111 Vending Machines, Automatic Shutoff.*

- (A) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food:
 - (1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain food temperatures as specified under Chapter 3; and
 - (2) If a condition specified in Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3.
- (B) The temperature specified for activation of the automatic shutoff within a machine vending potentially hazardous food may deviate from the temperature and for a time as follows:
 - (1) In a refrigerated vending machine, at an ambient temperature of 7°C (45°F) or more, for no more than 30 minutes immediately after the machine is filled, serviced, or restocked; or
 - (2) In a hot holding vending machine, at an ambient temperature of 60°C (140°F) or less, for no more than 120 minutes after the machine is filled, serviced, or restocked.

4-204.112 Temperature Measuring Devices.

- (A) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

- (B) Except as specified in ¶ (C) of this section, cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.
- (C) *Paragraph (B) of this section does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.*
- (D) Temperature measuring devices shall be designed to be easily readable.
- (E) Food temperature measuring devices shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F.

4-204.113 Warewashing Machine, Data Plate Operating Specifications.

A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

- (A) Temperatures required for washing, rinsing, and sanitizing;
- (B) Pressure required for the fresh water sanitizing rinse *unless the machine is designed to use only a pumped sanitizing rinse*; and
- (C) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

4-204.114 Warewashing Machines, Internal Baffles.

Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

4-204.115 Warewashing Machines, Temperature Measuring Devices.

A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

- (A) In each wash and rinse tank; and
- (B) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

4-204.116 Manual Warewashing Equipment, Heaters and Baskets.

If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

- (A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F); and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

4-204.117 Warewashing Machines, Flow Pressure Valve.

A 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve shall be provided immediately upstream from the fresh hot water sanitizing rinse control valve of a warewashing machine to permit checking the flow pressure of the sanitizing rinse. *This section does not apply to a machine that uses only a pumped sanitizing rinse.*

4-204.118 Warewashing Sinks and Drainboards, Self-Draining.

Sinks and drainboards of warewashing sinks and machines shall be self-draining.

4-204.119 Equipment Compartments, Drainage.

Equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

4-204.120 Vending Machines, Liquid Waste Products.

- (A) Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.
- (B) Vending machines that dispense liquid food in bulk shall be:
 - (1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and
 - (2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.
- (C) Shutoff devices specified in Subparagraph (B)(2) of this section shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

4-204.121 Case Lot Handling Equipment, Moveability.

Equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available equipment such as hand trucks and forklifts.

4-204.122 Vending Machine Doors and Openings.

- (A) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:

- (1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this section;
- (2) Being effectively gasketed;
- (3) Having interface surfaces that are at least 13 millimeters or one-half inch wide; or
- (4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(B) Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch.

4-3 NUMBERS AND CAPACITIES

Subparts

4-301	Equipment
4-302	Utensils, Temperature Measuring Devices, and Testing Devices

Equipment 4-301.11 Cooling, Heating, and Holding Capacities.

Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under Chapter 3.

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(A) Except as specified in ¶ (C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(B) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in ¶ (C) of this section shall be used.

(C) *Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and the regulatory authority has approved the use of the alternative equipment. Alternative manual warewashing equipment may include:*

(1) High-pressure detergent sprayers;

(2) Low- or line-pressure spray detergent foamers;

(3) Other task-specific cleaning equipment;

(4) Brushes or other implements;

(5) 2-compartment sinks as specified under ¶ (D) of this section; or

(6) Receptacles that substitute for the compartments of a multicompartment sink.

(D) A 2-compartment sink may be used only if:

(1) Its use is approved by the regulatory authority; and

(2) The nature of warewashing is limited to batch operations such as between cutting one type of raw meat and another or cleanup at the end of a shift, where the number of items cleaned is limited, and where the cleaning and sanitizing solutions are made up immediately before use and drained immediately after use. A 2-compartment sink may not be used for warewashing operations such as where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

4-301.13 Drainboards.

Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

4-301.14 Ventilation Hood Systems, Adequacy.

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

4-301.15 Clothes Washers and Dryers.

(A) Except as specified in ¶ (B) of this section, if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.

(B) *If on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under § 4-901.12, a mechanical clothes washer and dryer need not be provided.*

***Utensils,
Temperature
Measuring
Devices, and
Testing Devices***

4-302.11 Utensils, Consumer Self-Service.

A food dispensing utensil shall be available for each container displayed at a consumer self-service unit such as a buffet or salad bar.

4-302.12 Food Temperature Measuring Devices.

Food temperature measuring devices shall be provided and readily accessible for use in assuring attainment and maintenance of food temperatures as specified under Chapter 3.

4-302.13 Temperature Measuring Devices, Manual Warewashing.

In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

4-302.14 Sanitizing Solutions, Testing Devices.

A test kit or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided.

4-4 LOCATION AND INSTALLATION

Subparts

4-401	Location
4-402	Installation

Location

4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.

(A) Except as specified in ¶ (B) and under ¶ (C) of this section, equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located:

- (1) In locker rooms;
- (2) In toilet rooms;
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- (7) Under open stairwells; or
- (8) Under other sources of contamination.

(B) *A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.*

- (C) Unnecessary equipment may not be located on the premises as specified under § 6-501.114.
- (D) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

Installation

4-402.11 Fixed Equipment, Spacing or Sealing.

- (A) A unit of equipment that is fixed because it is not easily movable shall be installed so that it is:
 - (1) Spaced to allow access for cleaning along the sides, behind, and above the unit;
 - (2) Spaced from adjoining equipment, walls, and ceilings a distance of not more than 1 millimeter or one thirty-second inch; or
 - (3) Sealed to adjoining equipment or walls, if the unit is exposed to spillage or seepage.
- (B) Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
 - (1) Sealed to the table; or
 - (2) Elevated on legs as specified under ¶ 4-402.12(D).

4-402.12 Fixed Equipment, Elevation or Sealing.

- (A) Except as specified in ¶¶ (B) and (C) of this section, floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a 15 centimeter (6 inch) clearance between the floor and the equipment.

(B) *If no part of the floor under the floor-mounted equipment is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).*

(C) *This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.*

(D) Except as specified in ¶ (E) of this section, table-mounted equipment that is not easily movable shall be elevated on legs that provide at least a 10 centimeter (4 inch) clearance between the table and the equipment.

(E) *The clearance space between the table and table-mounted equipment may be:*

(1) 7.5 centimeters (3 inches) if the horizontal distance of the table top under the equipment is no more than 50 centimeters (20 inches) from the point of access for cleaning; or

(2) 5 centimeters (2 inches) if the horizontal distance of the table top under the equipment is no more than 7.5 centimeters (3 inches) from the point of access for cleaning.

4-5 MAINTENANCE AND OPERATION

Subparts

4-501

Equipment

4-402

Utensils and Temperature Measuring Devices

***Equipment* 4-501.11 Good Repair and Proper Adjustment.**

- (A) Equipment shall be maintained in a state of repair and condition that meets the requirements specified in Parts 4-1 and 4-2.
- (B) Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturers' specifications.

- (C) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

4-501.12 Cutting Surfaces.

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

4-501.13 Microwave Ovens.

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 Microwave ovens.

4-501.14 Warewashing Equipment, Cleaning Frequency.

A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified in § 4-301.13 shall be cleaned:

- (A) Before use;
- (B) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to assure that the equipment performs its intended function; and
- (C) If used, at least every 24 hours.

4-501.15 Warewashing Machines, Manufacturers' Operating Instructions.

- (A) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

- (B) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

4-501.16 Warewashing Sinks, Alternative Uses.

If approved, a warewashing sink may be used to wash wiping cloths, wash produce, or thaw food if the sink is cleaned as specified under § 4-501.14 before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under Part 4-7 before and after using the sink to wash produce or thaw food.

4-501.17 Warewashing Equipment, Cleaning Agents.

The wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in ¶ 4-301.12(C), shall, when used for warewashing, contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

4-501.18 Warewashing Equipment, Clean Solutions.

The wash, rinse, and sanitize solutions shall be maintained clean.

4-501.19 Manual Warewashing Equipment, Wash Solution Temperature.

The temperature of the wash solution shall be maintained at not less than 43°C (110°F) unless a different temperature is specified on the cleaning agent manufacturer's label instructions.

4-501.110 Mechanical Warewashing Equipment, Wash Solution Temperature.

- (A) The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:

- (1) For a single tank, stationary rack, single temperature machine, 74°C (165°F);
 - (2) For a single tank, conveyor, dual temperature machine, 71°C (160°F);
 - (3) For a single tank, stationary rack, dual temperature machine, 66°C (150°F); or
 - (4) For a multitank, conveyor, multitemperature machine, 66°C (150°F).
- (B) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than 49°C (120°F).

4-501.111 Manual Warewashing Equipment, Hot Water Sanitization Temperatures.*

If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 77° C (170° F) or above.

4-501.112 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.

In a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be less than:

- (A) For a single tank, stationary rack, single temperature machine, 74°C (165°F); or
- (B) For all other machines, 82°C (180°F).

4-501.113 Mechanical Warewashing Equipment, Sanitization Pressure.

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately upstream from the fresh hot water sanitizing rinse control valve.

**4-501.114 Manual and Mechanical Warewashing Equipment,
Chemical Sanitization - Temperature, pH, Concentration, and
Hardness.***

A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified in ¶ 4-703.11(C) shall be listed in 21 CFR 178.1010 Sanitizing solutions, shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

- (A) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

Minimum Concentration	Minimum Temperature	
	pH 10 or less °C (°F)	pH 8 or less °C (°F)
mg/L		
25	49 (120)	49 (120)
50	38 (100)	24 (75)
100	13 (55)	13 (55)

- (B) An iodine solution shall have a:

- (1) Minimum temperature of 24°C (75°F),
- (2) pH of 5.0 or less, unless the manufacturer's use directions included in the labeling specify a higher pH limit of effectiveness, and
- (3) Concentration between 12.5 mg/L and 25 mg/L;

- (C) A quaternary ammonium compound solution shall:

- (1) Have a minimum temperature of 24° C (75° F),
- (2) Have a concentration as specified in 21 CFR 178.1010 Sanitizing solutions and as indicated by the manufacturer's use directions included in the labeling, and
- (3) Be used only in water with 500 mg/L hardness or less;

- (D) Other solutions of the chemicals specified in ¶¶ (A)-(C) of this section may be used if demonstrated to the regulatory authority to achieve sanitization and approved by the regulatory authority; or

- (E) Other chemical sanitizers may be used if they are applied in accordance with the manufacturer's use directions included in the labeling.

4-501.115 Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.

If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the cleaning step shall be the same detergent-sanitizer.

4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration.

Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

***Utensils
and Temperature
Measuring
Devices***

4-502.11 Good Repair and Proper Calibration.

(A) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified in Parts 4-1 and 4-2 or shall be discarded.

(B) Temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to assure their accuracy.

4-502.12 Single-Service and Single-Use Articles, Required Use.*

A food establishment without facilities specified in Parts 4-6 and 4-7 for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by the consumer.

4-502.13 Single-Service and Single-Use Articles, Reuse Limitation.

Single-service and single-use articles may not be reused.

4-502.14 Shells, Use Limitation.

Mollusc and crustacea shells may not be used more than once as serving containers.

4-502.15 Slash-Resistant Gloves, Use Limitation.

Slash-resistant gloves that are used to protect hands during operations requiring cutting may be used in direct contact only with food that is subsequently cooked as specified in Part 3-4 such as frozen food or a primal cut of meat.

4-6 CLEANING OF EQUIPMENT AND UTENSILS

Subparts

4-601	Objective
4-602	Frequency
4-603	Methods

Objective

4-601.11 Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.*

- (A) Equipment food-contact surfaces and utensils shall be clean to sight and touch.
- (B) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.^N
- (C) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.^N

Frequency

4-602.11 Equipment Food-Contact Surfaces and Utensils.*

- (A) Equipment food-contact surfaces and utensils shall be cleaned:
 - (1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;

- (2) Each time there is a change from working with raw foods to working with ready-to-eat foods;
- (3) Between uses with raw fruits or vegetables and with potentially hazardous food;
- (4) Before using or storing a food temperature measuring device; and
- (5) At any time during the operation when contamination may have occurred.

(B) Subparagraph (A)(1) of this section does not apply if raw animal foods that require cooking temperatures specified under Subparagraph 3-401.11(A)(4) are prepared after foods that require cooking temperatures specified under Subparagraphs 3-401.11(A)(2)-(3).

(C) Except as specified in ¶ (D) of this section, if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every 4 hours.

(D) Equipment food-contact surfaces and utensils may be cleaned less frequently than every 4 hours if:

- (1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned when they are empty;*
- (2) Utensils and equipment are used to prepare food in a refrigerated room that maintains the utensils, equipment, and food under preparation at temperatures specified under Chapter 3 and the utensils and equipment are cleaned at least every 24 hours;*
- (3) Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under Chapter 3, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every 24 hours;*
- (4) Temperature measuring devices are maintained in contact with foods, such as when left in a container of deli food or in a roast, held at temperatures specified under Chapter 3; or*

- (5) *The regulatory authority approves the cleaning schedule based on consideration of:*
- (a) *Characteristics of the equipment and its use,*
 - (b) *The type of food involved,*
 - (c) *The amount of food residue accumulation, and*
 - (d) *The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.*

4-602.12 Cooking Equipment.

- (A) The food-contact surfaces of cooking equipment shall be cleaned at least every 24 hours. *This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified under Subparagraph 4-602.11(D)(5).*
- (B) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

4-602.13 Nonfood-Contact Surfaces.

Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

Methods

4-603.11 Dry Cleaning.

- (A) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.
- (B) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

4-603.12 Precleaning.

(A) Food debris on equipment and utensils shall be scrapped over a waste disposal unit, scupper, or garbage receptacle or shall be removed in a warewashing machine with a prewash cycle.

(B) If necessary for effective cleaning, utensils and equipment shall be preflushed, scrubbed with abrasives, or presoaked.

4-603.13 Loading of Soiled Items, Warewashing Machines.

Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

(A) Exposes the items to the unobstructed spray from all cycles; and

(B) Allows the items to drain.

4-603.14 Wet Cleaning.

(A) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; or high-pressure sprays.

(B) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

4-603.15 Washing, Alternative Manual Warewashing Equipment.

If washing in sink compartments or a warewashing machine is impractical such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified in ¶ 4-301.12(C) in accordance with the following procedures:

- (A) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts;
- (B) Equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation; and
- (C) Equipment and utensils shall be washed as specified under ¶ 4-603.14(A).

4-603.16 Rinsing Procedures.

Except as specified under ¶ (B) of this section, washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

- (A) Use of a distinct, separate water rinse after washing and before sanitizing if using:
 - (1) A 3-compartment sink,
 - (2) Alternative manual warewashing equipment equivalent to a 3-compartment sink as specified under Subparagraph 4-301.12(C)(1), or
 - (3) A 3-step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment;
- (B) Use of a detergent-sanitizer as specified under § 4-501.115 if using:
 - (1) Alternative warewashing equipment as specified under ¶ 4-301.12(C) that is approved for use with a detergent-sanitizer, or
 - (2) A warewashing system for CIP equipment;
- (C) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a 2-compartment sink operation;
- (D) If using a warewashing machine that does not recycle the sanitizing solution as specified in ¶ (E) of this section, or alternative manual warewashing equipment such as sprayers, use of a nondistinct water rinse that is:

- (1) Integrated in the application of the sanitizing solution, and
- (2) Wasted immediately after each application; or
- (E) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

4-7 SANITIZATION OF EQUIPMENT AND UTENSILS

Subparts

4-701	Objective
4-702	Frequency
4-703	Methods

Objective

4-701.11 Food-Contact Surfaces and Utensils.*

Equipment food-contact surfaces and utensils shall be sanitized.

Frequency

4-702.11 Before Use After Cleaning.

Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

Methods

4-703.11 Hot Water and Chemical.*

After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:

- (A) Hot water manual operations by immersion for at least 30 seconds as specified under § 4-501.111;
- (B) Hot water mechanical operations by being cycled through equipment that is set up as specified under §§ 4-501.15 and 4-501.112 -.113 and achieving a utensil surface temperature of 71° C (160° F) as measured by an irreversible registering temperature indicator; or

(C) Chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under § 4-501.114 by providing:

- (1) An exposure time of at least 10 seconds for a chlorine solution,
- (2) An exposure time of at least 30 seconds for other chemical sanitizer solutions, or
- (3) An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in Subparagraph 1-201.10(B)(69).

4-8 LAUNDERING

Subparts

4-801	Objective
4-802	Frequency
4-803	Methods

Objective

4-801.11 Clean Linens.

Clean linens shall be free from food residues and other soiling matter.

Frequency

4-802.11 Specifications.

(A) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.

(B) Cloth gloves specified in ¶ 4-101.16(C) shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork, and fish.

(C) Linens that are used as specified in ¶ 4-101.16(B) and cloth napkins shall be laundered between each use.

(D) Wet wiping cloths shall be laundered before being used with a fresh solution of cleanser or sanitizer.

(E) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

Methods

4-803.11 Storage of Soiled Linens.

Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

4-803.12 Mechanical Washing.

(A) Except as specified in ¶ (B) of this section, linens shall be mechanically washed.

(B) *In food establishments in which only wiping cloths are laundered as specified in ¶ 4-301.15(B), the wiping cloths may be laundered in a mechanical washer, a sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified under § 4-501.14.*

4-803.13 Use of Laundry Facilities.

(A) Except as specified in ¶ (B) of this section, laundry facilities on the premises of a food establishment shall be used only for the washing and drying of items used in the operation of the establishment.

(B) *Separate laundry facilities located on the premises for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering food establishment items provided that the are washed separately and linen that comes in direct contact with food or food contact surfaces shall be sanitized as part of the laundering process.*

4-9 PROTECTION OF CLEAN ITEMS

Subparts

4-901	Drying
4-902	Lubricating and Reassembling
4-903	Storing
4-904	Handling

Drying

4-901.11 Equipment and Utensils, Air-Drying Required.

(A) Except as specified in ¶ (C) of this section, after cleaning and sanitizing, equipment and utensils may not be cloth-dried.

(B) Equipment and utensils may be air-dried or used after adequate draining as specified in ¶ (a) of 21 CFR 178.1010 Sanitizing solutions, before contact with food.

(C) Utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

4-901.12 Wiping Cloths, Air-Drying Locations.

Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer as specified in ¶ 4-301.15(B) shall be air-dried in a location and in a manner that contamination of food, equipment, utensils, linens, and single-service and single-use articles and the wiping cloths is prevented. *This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under § 4-501.114.*

Lubricating and Reassembling

4-902.11 Food-Contact Surfaces.

Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that food-contact surfaces are not contaminated.

4-902.12 Equipment.

Equipment shall be reassembled so that food-contact surfaces are not contaminated.

Storing

4-903.11 Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.

(A) Except as specified in ¶ (D) of this section, cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:

- (1) In a clean, dry location;
- (2) Where they are not exposed to splash, dust, or other contamination; and
- (3) At least 15 cm (6 inches) above the floor.

(B) Clean equipment and utensils shall be stored as specified under ¶ (A) of this section and shall be stored:

- (1) In a self-draining position; and
- (2) Covered or inverted.

(C) Single-service and single-use articles shall be stored as specified under ¶ (A) of this section and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

(D) *Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids that are designed as provided under § 4-204.121.*

4-903.12 Prohibitions.

(A) Except as specified in ¶ (B) of this section, cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored:

- (1) In locker rooms;
- (2) In toilet rooms;
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;

- (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - (7) Under open stairwells; or
 - (8) Under other sources of contamination.
- (B) *Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.*

Handling

4-904.11 Kitchenware and Tableware.

- (A) Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed, and dispensed so that contamination of food and lip-contact surfaces is prevented.
- (B) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.
- (C) Except as specified under ¶ (B) of this section, single-service articles that are intended for food- or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

4-904.12 Soiled and Clean Tableware.

Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

4-904.13 Preset Tableware.

Tableware may be preset if:

- (A) It is protected from contamination by being wrapped, covered, or inverted;
- (B) It is exposed and unused settings are removed when a consumer is seated;
or
- (C) It is exposed and unused settings are not removed when a consumer is seated, and are cleaned and sanitized before further use.

Water, Plumbing, and Waste

Parts

- 5-1 WATER**
- 5-2 PLUMBING SYSTEM**
- 5-3 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT**
- 5-4 WATER TANK**
- 5-5 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER**
- 5-5 REFUSE, RECYCLABLES, AND RETURNABLES**

5-1 WATER

Subparts

- 5-101 Source**
- 5-102 Quality**
- 5-103 Quantity and Availability**
- 5-104 Distribution, Delivery, and Retention**

Source

5-101.11 Approved System.*

Drinking water shall be obtained from an approved source that is:

(A) A public water system which meets all of the requirements of 46-13; or

(B) A private water system that is constructed, maintained, and operated according to law.

(1) Food establishments which become operational after the effective date of this regulation must comply with requirements regarding water quality, and the site and location of the source of the water supply as specified in Chapter 46-13 of the Rhode Island General Statutes and the regulation adopted thereunder. Existing food establishments must comply with the water quality standards specified in R-46-13-DWQ.

(2) Any food establishment which changes the nature of its operation so as to render it a public drinking water supply system must comply with the requirements of Chapter 46-13 of the General Statutes.

5-101.12 System Flushing and Disinfection.*

A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a power outage or flood, that may introduce contaminants to the system.

5-101.13 Bottled Drinking Water.*

Bottled drinking water used or sold in a food establishment shall be obtained from approved sources in accordance with 21 CFR 129 - Processing and Bottling of Bottled Drinking Water and Chapter 21-23 of the Rhode Island General Statutes.

Quality

5-102.11 Standards.*

Except as specified under § 5-102.12:

(A) Drinking water shall meet 40 CFR 141 - National Primary Drinking Water Regulations and Chapter 46-13 of the Rhode Island General Statutes.

(B) Standards may be set by the Department of Health for contaminants and chemicals in the drinking water which are a health concern which are not regulated as specified above.

5-102.12 Nondrinking Water.*

If the use of a nondrinking water supply is approved by the regulatory authority, the supply shall be used only for purposes such as air conditioning, nonfood equipment cooling, fire protection, and irrigation, and may not be used so that the nondrinking water is allowed to contact, directly or indirectly, potable water, food, equipment, or utensils.

5-102.13 Sampling.

Except when used as specified under § 5-102.12, water from a private water system shall be sampled at least annually and tested for total coliform and nitrates/nitrites as specified in R-46-13-DWQ. Additional tests and a more frequent sampling frequency may be required by the Department of Health as needed.

5-102.14 Sample Report.

The most recent sample report of the private water system shall be retained on file in the establishment or the report shall be maintained and provided as specified by R-46-13-DWQ.

***Quantity and
Availability***

5-103.11 Capacity.*

The water source and system shall be of sufficient capacity to meet the water demands of the food establishment.

5-103.12 Pressure.

Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water *except that water supplied as specified in §§ 5-104.12(A) and (B) to a temporary facility or in response to a temporary interruption of a water supply need not be under pressure.*

5-103.13 Hot Water.

Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment.

***Distribution,
Delivery, and
Retention***

5-104.11 System.

Water shall be received from the source through the use of:

- (A) An approved public water main; or
- (B) One or more of the following that shall be constructed, maintained, and operated according to law:
 - (1) Private water main, water pumps, pipes, hoses, connections, and other appurtenances,
 - (2) Water transport vehicles, and
 - (3) Water containers.

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be in compliance with R-21-23-BB and shall be made available for a mobile facility, for a temporary facility without a permanent water supply, and for a food establishment with a temporary interruption of its water supply through:

- (A) A supply of containers of commercially bottled drinking water;
- (B) One or more closed portable water containers;
- (C) An enclosed vehicular water tank;
- (D) An on-premises water storage tank; or
- (E) Piping, tubing, or hoses connected to an adjacent approved source.

5-2 PLUMBING SYSTEM

Subparts

5-201	Materials
5-202	Design, Construction, and Installation
5-203	Numbers and Capacities
5-204	Location and Placement
5-205	Operation and Maintenance

Materials

5-201.11 Approved.*

- (A) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to law.
- (B) A water filter shall be made of safe materials.

Design, Construction, and Installation

5-202.11 Approved System and Cleanable Fixtures.*

- (A) A plumbing system shall be designed, constructed, and installed according to law.

(B) A plumbing fixture such as a handwashing lavatory, toilet, or urinal shall be easily cleanable.^N

5-202.12 Handwashing Lavatory, Water Temperature, and Flow.

(A) A handwashing lavatory shall be equipped to provide water at a temperature of at least 43° C (110° F) through a mixing valve or combination faucet.

(B) A steam mixing valve may not be used at a handwashing lavatory.

(C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

5-202.13 Backflow Prevention, Air Gap.*

An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).

5-202.14 Backflow Prevention Device, Design Standard.

A backflow or backsiphonage prevention device installed on a water supply system shall meet R-46-13-DWQ Sections 7 & 8 and American Society of Sanitary Engineers (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

5-202.15 Conditioning Device, Design.

A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

Numbers and Capacities

5-203.11 Handwashing Lavatory.*

(A) Except as specified in ¶ (B) of this section, at least 1 handwashing lavatory, a number of handwashing lavatories necessary for their convenient use by employees in areas specified under § 5-204.11, and not fewer than the number of handwashing lavatories required by law shall be provided.

(B) If approved by the regulatory authority, when food exposure is limited and handwashing lavatories are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing.

5-203.12 Toilets and Urinals.*

At least 1 toilet and not fewer than the number of toilets required by law shall be provided. In accordance with law, urinals may be substituted for toilets if more than the required minimum number of toilets are provided.

5-203.13 Service Sink.

At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

5-203.14 Backflow Prevention Device, When Required.*

A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by R-46-13-DWQ Sections 7 & 8, by:

(A) Providing an air gap as specified under § 5-202.13; or

(B) Installing an approved backflow prevention device as specified under § 5-202.14.

5-203.15 Backflow Prevention Device, Carbonator.*

(A) If not provided with an air gap as specified under § 5-202.13, a double check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(B) *A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under ¶ (A) of this section.*

Location and Placement

5-204.11 Handwashing Lavatory.*

A handwashing lavatory shall be located:

(A) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and

(B) In, or immediately adjacent to, toilet rooms.

5-204.12 Backflow Prevention Device, Location.

A backflow prevention device shall be located so that it may be serviced and maintained.

5-204.13 Conditioning Device, Location.

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

Operation and Maintenance

5-205.11 Using a Handwashing Lavatory.

(A) A handwashing lavatory shall be maintained so that it is accessible at all times for employee use.

(B) A handwashing lavatory may not be used for purposes other than handwashing.

5-205.12 Prohibiting a Cross Connection.*

- (A) *Except as allowed under 9 CFR 308.3(d) for firefighting*, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.
- (B) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.^N

5-205.13 Scheduling Inspection and Service for a Water System Device.

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturers' instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the person in charge.

5-205.14 Water Reservoir of Fogging Devices, Cleaning.*

- (A) A reservoir that is used to supply water to a device such as a produce fogger shall be:
 - (1) Maintained in accordance with manufacturer's specifications; and
 - (2) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under ¶ (B) of this section, whichever is more stringent.
- (B) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:
 - (1) Draining and complete disassembly of the water and aerosol contact parts;
 - (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;
 - (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and

- (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/L hypochlorite solution.

5-3 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT WATER TANK

Subparts

5-301	Materials
5-302	Design and Construction
5-303	Numbers and Capacities
5-304	Operation and Maintenance

Materials

5-301.11 Approved.

Materials that are used in the construction of a mobile water tank, mobile food establishment water tank, and appurtenances shall meet the requirements specified under ¶¶ 4-101.11(A),(B), and (D).

Design and Construction

5-302.11 Enclosed System, Inspection Port.

A mobile water tank shall be:

(A) Enclosed from the filling inlet to the discharge outlet; and

(B) Sloped to an outlet that allows complete drainage of the tank.

5-302.12 Inspection and Cleaning Port, Protected and Secured.

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

(A) Flanged upward at least 13 mm (one-half inch); and

(B) Equipped with a port cover assembly that is:

- (1) Provided with a gasket and a device for securing the cover in place, and

- (2) Flanged to overlap the opening and sloped to drain.

5-302.13 "V" Type Threads, Use Limitation.

A fitting with "v" type threads on a water tank inlet or outlet may be allowed only when a hose is permanently attached.

5-302.14 Tank Vent, Protected.

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area; or
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

5-302.15 Inlet and Outlet, Sloped to Drain.

- (A) A water tank and its inlet and outlet shall be sloped to drain.
- (B) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

5-302.16 Hose, Construction and Identification.

A hose used for conveying drinking water from a water tank shall have a smooth interior surface and, if not permanently attached, shall be clearly and durably identified as to its use and used only for that purpose.

Numbers and Capacities

5-303.11 Filter, Compressed Air.

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

5-303.12 Protective Equipment or Device.

A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective equipment or device shall be provided for a water inlet, outlet, and hose.

5-303.13 Mobile Food Establishment Tank Inlet.

A mobile food establishment's water tank inlet shall be:

- (A) 19.1 mm (three-fourths inch) in inner diameter or less; and
- (B) Provided with a hose connection of a size or type that will prevent its use for any other service.

***Operation and
Maintenance***

5-304.11 System Flushing and Disinfection.*

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

5-304.12 Using a Pump and Hoses, Backflow Prevention.

A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply is prevented.

5-304.13 Protecting Inlet, Outlet, and Hose Fitting.

If not in use, a water tank and hose inlet and outlet fitting shall be protected as specified under § 5-303.12.

5-304.14 Tank, Pump, and Hoses, Dedication.

- (A) Except as specified in ¶ (B) of this section, a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.

5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER

Subparts

5-401	Mobile Holding Tank
5-402	Retention, Drainage, and Delivery
5-403	Disposal Facility

Mobile Holding Tank

5-401.11 Capacity and Drainage.

A sewage holding tank in a mobile food establishment shall be:

- (A) Sized 15 percent larger in capacity than the water supply tank; and
- (B) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

Retention, Drainage, and Delivery

*design,
construction,
and installation*

5-402.11 Establishment Drainage System.

Food establishment drainage systems, including grease traps, that convey sewage shall be sized and installed as specified under

¶ 5-202.11(A).

5-402.12 Backflow Prevention.*

- (A) Except as specified in ¶¶ (B) and (C) of this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.
- (B) *If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.*
- (C) *If allowed by law, a warewashing or culinary sink may have a direct connection.*

*location
and placement*

5-402.13 Grease Trap.

If used, a grease trap shall be located to be easily accessible for cleaning.

*operation and
maintenance*

5-402.14 Conveying Sewage.*

Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

5-402.15 Removing Mobile Food Establishment Wastes.

Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

5-402.16 Flushing a Waste Retention Tank.

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

Disposal Facility

5-403.11 Approved Sewage Disposal System.*

*design and
construction*

Sewage shall be disposed through an approved facility that is:

- (A) A public sewage treatment plant; or
- (B) An individual sewage disposal system that is sized, constructed, maintained, and operated according to law and approved by the Department of Environmental Management.

5-403.12 Other Liquid Wastes and Rainwater.

Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

5-5 REFUSE, RECYCLABLES, AND RETURNABLES

Subparts

5-501	Facilities on the Premises
5-502	Removal
5-503	Facilities for Disposal, Recycling, and Refilling

Facilities on the Premises

*materials, design,
construction, and
installation*

5-501.11 Indoor Storage Area.

If located within the food establishment, a storage area for refuse, recyclables, and returnables shall meet the requirements *construction, and* specified under Parts 6-1 and 6-2.

5-501.12 Outdoor Storage Surface.

An outdoor storage surface for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

5-501.13 Outdoor Enclosure.

If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

5-501.14 Receptacles.

(A) Except as specified in ¶ (B) of this section, equipment and receptacles for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

(B) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food establishment, or within closed outside receptacles.

5-501.15 Receptacles in Vending Machines.

A refuse receptacle may not be located within a vending machine, *except that a receptacle for beverage bottle crown closures may be located within a vending machine.*

5-501.16 Outside Receptacles.

- (A) Equipment and receptacles for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.
- (B) Equipment for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the equipment is not installed flush with the base pad, under the unit.

*numbers and
capacities*

5-501.17 Storage Areas, Rooms, and Receptacles, Capacity and Availability.

- (A) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.
- (B) A receptacle shall be provided in each area of the establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
- (C) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

5-501.18 Toilet Room Receptacle, Covered.

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

5-501.19 Cleaning Equipment and Supplies.

(A) Except as specified in ¶ (B) of this section, suitable cleaning equipment and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of equipment and receptacles for refuse, recyclables, and returnables.

(B) *If approved by the regulatory authority, off-premise-based cleaning services may be used if on-premises cleaning equipment and supplies are not provided.*

*location and
placement*

**5-501.110 Storage Areas, Redeeming Machines, Equipment,
and Receptacles, Location.**

(A) An area designated for refuse, recyclables, returnables, and, except as specified in ¶ (B) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health nuisance is not created.

(B) *A redeeming machine may be located in the packaged food storage area or consumer area of a food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health nuisance is not created.*

(C) The location of equipment and receptacles for refuse, recyclables, and returnables may not create a public health nuisance or interfere with the cleaning of adjacent space.

*operation and
maintenance*

5-501.111 Storing Refuse, Recyclables, and Returnables.

Refuse, recyclables, and returnables shall be stored in equipment or refuse receptacles so that they are inaccessible to insects and rodents.

**5-501.112 Areas, Enclosures, and Receptacles, Good
Repair.**

Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

5-501.113 Outside Storage Prohibitions.

(A) Except as specified in ¶ (B) of this section, refuse receptacles not meeting the requirements specified under ¶ 5-501.14(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.

(B) *Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.*

5-501.114 Covering Receptacles.

Equipment and receptacles for refuse, recyclables, and returnables shall be kept covered:

(A) Inside the establishment if the equipment and receptacles:

(1) Contain food residue and are not in continuous use; or

(2) After they are filled; and

(B) With tight-fitting lids or doors if kept outside the establishment.

5-501.115 Using Drain Plugs.

Drains in equipment and receptacles for refuse, recyclables, and returnables shall have drain plugs in place.

5-501.116 Maintaining Refuse Areas and Enclosures.

A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, as specified under § 6-501.114, and clean.

5-501.117 Cleaning Receptacles.

(A) Equipment and receptacles for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and waste water shall be disposed of as specified under § 5-402.14.

(B) Soiled equipment and receptacles for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

Removal

5-502.11 Frequency.

Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

5-502.12 Receptacles or Vehicles.

Refuse, recyclables, and returnables shall be removed from the premises by way of:

- (A) Portable receptacles that are constructed and maintained according to law; or
- (B) A transport vehicle that is constructed, maintained, and operated according to law.

Facilities for Disposal, Recycling, and Refilling

5-503.11 Community or Individual Facility.

Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility; or solid waste shall be disposed of in an individual refuse facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to law.

5-503.12 Returnables, On-Site Cleaning and Refilling.

- (A) Except as specified in ¶¶ (B) and (C) of this section, empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing establishment.
- (B) *A food-specific container for beverages may be refilled at a food establishment if:*
 - (1) *Only beverages that are not potentially hazardous are used;*
 - (2) *The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the establishment;*
 - (3) *Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;*
 - (4) *The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and*
 - (5) *The container is refilled by:*
 - (a) *An employee of the establishment, or*
 - (b) *The owner of the container if the beverage system includes a contamination-free transfer process that can not be bypassed by the container owner.*
- (C) *Consumer-owned containers that are not food-specific may be filled at a water vending machine.*

Chapter

6

Physical Facilities

Parts

- 6-1 MATERIALS FOR CONSTRUCTION AND REPAIR
- 6-2 DESIGN, CONSTRUCTION, AND INSTALLATION
- 6-3 NUMBERS AND CAPACITIES
- 6-4 LOCATION AND PLACEMENT
- 6-5 OPERATION AND MAINTENANCE

6-1 MATERIALS FOR CONSTRUCTION AND REPAIR

Subparts

- 6-101 Indoor Areas
- 6-102 Outdoor Areas

Indoor Areas

6-101.11 Surface Characteristics.

- (A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:
- (1) Smooth and durable for areas where food establishment operations are conducted;
 - (2) Closely woven and easily cleanable carpet for carpeted areas; and
 - (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods.
- (B) *In a temporary food establishment:*

- (1) *If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable materials approved by the regulatory authority that are effectively treated to control dust and mud; and*
- (2) *Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.*

Outdoor Areas

6-102.11 Surface Characteristics.

- (A) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.
- (B) Exterior surfaces of buildings and mobile food establishments shall be of weather-resistant materials and shall comply with law.
- (C) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under §§ 5-501.12 and 5-501.13.

6-2 DESIGN, CONSTRUCTION, AND INSTALLATION

Subparts

- 6-201 Cleanability**
- 6-202 Functionality**

Cleanability

6-201.11 Floors, Walls, and Ceilings.

The floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable, *except that antislip floor coverings or applications may be used for safety reasons.*

6-201.12 Floors, Walls, and Ceilings, Utility Lines.

- (A) Utility service lines and pipes may not be unnecessarily exposed.

(B) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

(C) Exposed horizontal utility service lines and pipes may not be installed on the floor.

6-201.13 Floor and Wall Junctures, Coved, and Enclosed or Sealed.

(A) In food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1 mm (one thirty-second inch).

(B) The floors in food establishments in which water flush cleaning methods are used shall be provided with drains and graded to drain, and the floor and wall junctures shall be coved and sealed.

6-201.14 Floor Carpeting, Installation and Restrictions.

(A) Except as specified under ¶ (B) of this section, carpeting may be installed as a floor covering if it is:

- (1) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and
- (2) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

(B) Carpeting may not be installed as a floor covering in food preparation areas, food storage areas, warewashing areas, handwashing areas, toilet room areas where urinals and toilets are located, or refuse storage rooms and areas.

6-201.15 Floor Covering, Mats and Duckboards.

Mats and duckboards shall be designed to be removable and easily cleanable.

6-201.16 Wall and Ceiling Coverings and Coatings.

(A) Wall and ceiling covering materials shall be attached so that they are easily cleanable.

(B) *Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.*

6-201.17 Walls and Ceilings, Attachments.

(A) Except as specified in ¶ (B) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

(B) *In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.*

6-201.18 Walls and Ceilings, Studs, Joists, and Rafters.

Studs, joists, and rafters may not be exposed in areas specified in Subparagraph 6-101.11(A)(3). *This requirement does not apply to temporary food establishments.*

Functionality

6-202.11 Light Bulbs, Protective Shielding.

(A) Except as specified in ¶ (B) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

(B) *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:*

(1) *The integrity of the packages can not be affected by broken glass falling onto them; and*

(2) *The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.*

(C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

6-202.12 Ventilation System, Exhaust Vents.

Heating and air conditioning systems shall be designed and installed so that vents do not cause contamination of food, food preparation surfaces, equipment, or utensils.

6-202.13 Insect Control Devices, Design and Installation.

(A) Devices that are used to electrocute flying insects and that may impel insects or insect fragments shall be:

(1) Designed to have "escape-resistant" trays; and

(2) Installed so that:

(a) The devices are not located over a food preparation area, and

(b) Dead insects and insect fragments are prevented from falling on or being impelled onto exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

(B) Devices used to trap insects by adherence may not be installed above exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

6-202.14 Toilet Rooms, Enclosed.

A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door *except that this requirement does not apply to a toilet room that is located outside a food establishment and does not open directly into the food establishment such as a toilet room that is provided by the management of a shopping mall.*

6-202.15 Outer Openings, Protected.

(A) *Except in temporary food establishments*, openings to the outdoors shall be protected against the entry of insects and rodents by:

- (1) Closed, tight-fitting windows, and
- (2) Solid self-closing, tight-fitting doors; or

(B) Except as specified in ¶ (C) of this section, if windows or doors are kept open for ventilation or other purposes, or the food operation is conducted in a temporary food establishment that is not provided with windows and solid doors, the openings shall be protected against the entry of insects and rodents by:

- (1) 16 mesh to 25.4 mm (16 mesh to 1 inch) screens,
- (2) Properly designed and installed air curtains, or
- (3) Other effective means.

(C) *Paragraph (B) of this section does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.*

6-202.16 Exterior Walls and Roofs, Protective Barrier.

Perimeter walls and roofs of a food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

6-202.17 Outdoor Food Vending Areas, Overhead Protection.

If located outside, a machine used to vend food shall be provided with overhead protection *except that machines vending canned beverages need not meet this requirement.*

6-202.18 Outdoor Servicing Areas, Overhead Protection.

Servicing areas shall be provided with overhead protection *except that areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.*

6-202.19 Outdoor Walking and Driving Surfaces, Graded to Drain.

Exterior walking and driving surfaces shall be graded to drain.

6-202.110 Outdoor Refuse Areas, Curbed and Graded to Drain.

Outdoor refuse areas shall be constructed in accordance with law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

6-202.111 Private Homes and Living or Sleeping Quarters, Use Prohibition.

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.

6-202.112 Living or Sleeping Quarters, Separation.

Living or sleeping quarters located on the premises of a food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

6-3 NUMBERS AND CAPACITIES

Subparts

6-301	Handwashing Lavatories
6-302	Toilets and Urinals
6-303	Lighting
6-304	Ventilation
6-305	Dressing Areas and Lockers
6-306	Service Sinks

Handwashing Lavatories

6-301.10 Minimum Number.

Handwashing lavatories shall be provided as specified under § 5-203.11.

6-301.11 Handwashing Cleanser and Nailbrush, Availability.

Each handwashing lavatory or group of 2 adjacent lavatories shall have available:

- (A) A supply of hand cleaning liquid, powder, or bar soap; and
- (B) A nailbrush, if the lavatories are used by food employees.

6-301.12 Hand Drying Provision.

Each handwashing lavatory or group of adjacent lavatories shall be provided with:

- (A) Individual, disposable towels;
- (B) A continuous towel system that supplies the user with a clean towel; or
- (C) A heated-air hand drying device.

6-301.13 Disposable Towels, Waste Receptacle.

A waste receptacle shall be provided for each handwashing lavatory or group of adjacent lavatories that is provided with individual, disposable towels as specified in § 6-301.12(A), as specified under ¶ 5-501.17(B).

***Toilets and
Urinals***

6-302.10 Minimum Number.

Toilets and urinals shall be provided as specified under § 5-203.12.

6-302.11 Toilet Tissue, Availability.

A supply of toilet tissue shall be available at each toilet.

Lighting

6-303.11 Intensity.

The light intensity shall be:

- (A) In all areas and rooms during periods of cleaning, at least 110 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor;
- (B) In areas where fresh produce or packaged foods are sold or offered for consumption; areas used for handwashing, warewashing, and equipment and utensil storage; and in toilet rooms, at least 220 lux (20 foot candles) at a distance of 75 cm (30 inches) above the floor; and
- (C) At a surface where a food employee is working with unpackaged potentially hazardous food or with food, utensils, and equipment such as knives, slicers, grinders, or saws where employee safety is a factor, at least 540 lux (50 foot candles).

Ventilation

6-304.11 Mechanical.

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

***Dressing Areas
and Lockers***

6-305.11 Designation.

(A) Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.

(B) Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

Service Sinks

6-306.10 Availability.

A service sink or curbed cleaning facility shall be provided as specified under § 5-203.13.

6-4 LOCATION AND PLACEMENT

Subparts

6-401	Handwashing Lavatories
6-402	Toilet Rooms
6-403	Employee Accommodations
6-404	Distressed Merchandise
6-405	Refuse, Recyclables, and Returnables

***Handwashing
Lavatories***

6-401.10 Conveniently Located.

Handwashing lavatories shall be conveniently located as specified under § 5-204.11.

Toilet Rooms

6-402.11 Convenience and Accessibility.

Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

***Employee
Accommodations***

6-403.11 Designated Areas.

(A) Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.

(B) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles can not occur.

***Distressed
Merchandise***

6-404.11 Segregation and Location.

Products that are held by the permit holder for credit from the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

***Refuse,
Recyclables, and
Returnables***

6-405.10 Equipment, Receptacles, and Designated Storage Area.

Equipment, receptacles, and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified under § 5-501.110.

6-5 OPERATION AND MAINTENANCE

Subpart

**6-501 Premises, Buildings, Systems, Rooms, Fixtures,
Equipment, Devices, and Materials**

***Premises,
Buildings,
Systems,
Rooms, Fixtures,
Equipment,
Devices, and
Materials***

6-501.11 Repairing.

The physical facilities shall be maintained in good repair.

6-501.12 Cleaning, Frequency and Restrictions.

(A) The physical facilities shall be cleaned as often as necessary to keep them clean.

- (B) Cleaning shall be done during periods when the least amount of food is exposed such as after closing. *This requirement does not apply to cleaning that is necessary due to a spill or other accident.*

6-501.13 Cleaning Floors, Dustless Methods.

- (A) Except as specified in ¶ (B) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.
- (B) *Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:*
- (1) *Without the use of dust-arresting compounds; and*
- (2) *In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.*

6-501.14 Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.

- (A) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.
- (B) If vented to the outside, ventilation systems may not create a public health nuisance or unlawful discharge.

6-501.15 Cleaning Maintenance Tools, Preventing Contamination.*

Food preparation sinks, handwashing lavatories, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

6-501.16 Drying Mops.

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

6-501.17 Absorbent Materials on Floors, Use Limitation.

Except as specified under ¶ 6-501.13(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

6-501.18 Maintaining and Using Handwashing Lavatories.

Handwashing lavatories shall be kept clean and maintained and used as specified under § 5-205.11.

6-501.19 Closing Toilet Room Doors.

Toilet room doors as specified under § 6-202.14 shall be kept closed *except during cleaning and maintenance operations*.

6-501.110 Using Dressing Rooms and Lockers.

- (A) Dressing rooms shall be used by employees if the employees regularly change their clothes in the establishment.
- (B) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

6-501.111 Controlling Pests.*

- (A) Insects, rodents, and other pests shall be controlled as specified in ¶ (B) of this section to minimize their presence:
 - (1) Within the physical facility and its contents; and
 - (2) On the contiguous land or property under the control of the permit holder.^N
- (B) The presence of insects, rodents, and other pests shall be controlled by:

- (1) Routinely inspecting the premises for evidence of pests;^N
- (2) Using methods, if pests are found, such as trapping devices or extermination as specified under §§ 7-206.11 - 7-206.13;^N
and
- (3) Eliminating harborage conditions, and minimizing available food.^N

6-501.112 Removing Trapped or Dead Birds, Insects, Rodents, and Other Pests.

Trapped or dead birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

6-501.113 Storing Maintenance Equipment.

Maintenance tools such as brooms, mops, vacuum cleaners, and similar equipment shall be:

- (A) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and
- (B) Stored in an orderly manner that facilitates cleaning of the maintenance equipment storage location.

6-501.114 Maintaining Premises, Unnecessary Items and Litter.

The premises shall be free of:

- (A) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used;
and
- (B) Litter.

6-501.115 Prohibiting Animals.*

(A) Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment.

(B) Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:

(1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(3) In areas such as dining and sales areas, support animals such as guide dogs that are trained to assist an employee or other person who is handicapped, are controlled by the handicapped employee or person, and are not allowed to be on seats or tables; and

(4) Pets in the common dining areas of group residences at times other than during meals if:

(a) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,

(b) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and

(c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.

(C) Live or dead fish bait shall be stored so that contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.

Poisonous or Toxic Materials

Parts

- 7-1 LABELING AND IDENTIFICATION
- 7-2 OPERATIONAL SUPPLIES AND APPLICATIONS
- 7-3 STOCK AND RETAIL SALE

7-1 LABELING AND IDENTIFICATION

Subparts

- 7-101 Original Containers
- 7-102 Working Containers

Original Containers

7-101.11 Identifying Information, Prominence.*

Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

Working Containers

7-102.11 Common Name.*

Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

7-2 OPERATIONAL SUPPLIES AND APPLICATIONS

Subparts

7-201	Storage
7-202	Presence and Use
7-203	Container Prohibitions
7-204	Chemicals
7-205	Lubricants
7-206	Pesticides
7-207	Medicines
7-208	First Aid Supplies
7-209	Other Personal Care Items

Storage

7-201.11 Separation.*

Poisonous or toxic materials shall be stored so they may not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (A) Separating the poisonous or toxic materials by spacing or partitioning;^S and
- (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. *This paragraph does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.*

Presence and Use

7-202.11 Restriction.*

- (A) Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment.^S
- (B) ¶ (A) of this section does not apply to packaged poisonous or toxic materials that are for retail sale.

7-202.12 Conditions of Use.*

Poisonous or toxic materials shall be:

(A) Used according to:

- (1) Law and this Code,
- (2) The manufacturers' use directions included in the labeling,
- (3) The conditions of certification, if certification is required, for use of the pest control materials, and
- (4) Additional conditions that may be established by the regulatory authority; and

(B) Applied so that:

- (1) Contamination including toxic residues due to spray, drip, drain, or splash on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and
- (2) A hazard to employees or other persons is not constituted.

***Container
Prohibitions***

7-203.11 Food Containers.*

A food container may not be used to store, transport, or dispense poisonous or toxic materials.

7-203.12 Poisonous or Toxic Material Containers.*

A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

Chemicals

7-204.11 Sanitizers, Criteria.*

Chemical sanitizers shall meet the requirements specified in 21 CFR 178.1010 Sanitizing solutions.

7-204.12 Chemicals for Washing Fruits and Vegetables, Criteria.*

Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

7-204.13 Boiler Water Additives, Criteria.*

Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310 Boiler water additives.

7-204.14 Drying Agents, Criteria.*

Drying agents used in conjunction with sanitization shall:

(A) For use with hot water:

(1) Contain only components that are generally recognized as safe as specified in 21 CFR 182 - Substances Generally Recognized As Safe, 21 CFR 184 - Direct Food Substances Affirmed As Generally Recognized As Safe, or 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized As Safe, or

(2) Be specifically reviewed according to procedures specified in 21 CFR 171 - Food Additive Petitions and accepted as an indirect food additive before being used; or

(B) For use with chemicals, contain only components that are approved under a prior sanction as specified in 21 CFR 181 - Prior-Sanctioned Food Ingredients or are generally recognized as safe as specified in 21 CFR 182 - Substances Generally Recognized As Safe.

Lubricants

7-205.11 Incidental Food Contact, Criteria.*

Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.

Pesticides

7-206.11 Application.*

(A) A pesticide shall be applied in a food establishment only by a certified applicator *except that the manual or automatic spraying of a general use insecticide that only contains pyrethrins, piperonyl butoxide, and N-octyl bicycloheptene dicarboximide need not be done by a certified applicator.*

(B) A pesticide shall be applied so that direct or indirect contact with food, equipment, utensils, linens, and single-service and single-use articles is prevented by protecting those items from toxic residues due to spray, drip, drain, or splash and:

(1) From application of a restricted use pesticide by:

(a) Removing the items;

(b) Covering the items with impermeable covers; or

(c) Taking other appropriate preventive actions; and

(2) Cleaning and sanitizing equipment and utensils after the application.

7-206.12 Bait Stations.

Bait shall be contained in a covered bait station.

7-206.13 Tracking Powders.*

Tracking powders may not be used in a food establishment.

Medicines

7-207.11 Restriction and Storage.*

(A) Only those medicines that are necessary for the health of employees shall be allowed in a food establishment. *This section does not apply to medicines that are stored or displayed for retail sale.*

- (B) Medicines that are in a food establishment for the employees' use shall be labeled as specified under § 7-101.11 and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

7-207.12 Refrigerated Medicines, Storage.*

Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be:

- (A) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of employees' medicines; and
- (B) Located on the lowest shelf.

***First Aid
Supplies***

7-208.11 Storage.*

First aid supplies that are in a food establishment for the employees' use shall be:

- (A) Labeled as specified under § 7-101.11;^s
and
- (B) Stored in a kit or a container that is located to prevent the contamination of food,^s equipment, utensils, and linens, and single-service and single-use articles.

***Other Personal
Care Items***

7-209.11 Storage.

Employees shall store their other personal care items as specified under ¶ 6-305.11(B).

7-3 STOCK AND RETAIL SALE

Subpart

7-301 Storage and Display

Storage and Display

7-301.11 Separation.*

Poisonous or toxic materials shall be stored and displayed for retail sale so they may not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (A) Separating the poisonous or toxic materials by spacing or partitioning;^s and
- (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

Compliance and Enforcement

Parts

- 8-1 **CODE APPLICABILITY**
- 8-2 **PLAN SUBMISSION AND APPROVAL**
- 8-3 **PERMIT TO OPERATE**
- 8-4 **INSPECTION AND CORRECTION OF VIOLATIONS**
- 8-5 **PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY EMPLOYEES**
- 8-6 **ENFORCEMENT**

8-1 CODE APPLICABILITY

Subparts

- 8-101 **Use for Intended Purpose**
- 8-102 **Additional Requirements**
- 8-103 **Variances**

Use for Intended Purpose

8-101.10

Public Health Protection.

(A) The regulatory authority shall apply this Code to promote its underlying purpose, as specified in § 1-102.10, of safeguarding public health and assuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

(B) In enforcing the provisions of this Code, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this Code based on the following considerations:

- (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;

- (2) Whether food-contact surfaces comply with Subpart 4-101; and
- (3) The existence of a documented agreement of the permit holder that the facilities or equipment will be replaced as specified under ¶ 8-304.11(G).

***Additional
Requirements***

**8-102.10 Preventing Health Hazards, Provision for
Conditions Not Addressed.**

- (A) If necessary to protect against public health hazards, the regulatory authority may impose specific requirements in addition to the requirements contained in this Code that are authorized by law.
- (B) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder and a copy shall be maintained in the regulatory authority's file for the food establishment.

Variances

8-103.10 Modifications and Waivers.

The regulatory authority may grant a variance by modifying or waiving the requirements of this Code if in the opinion of the regulatory authority a health hazard will not result from the variance and the regulation imposes an undue hardship. If a variance is granted, the regulatory authority shall retain the information specified in § 8-103.11 in its records for the food establishment.

**8-103.11 Documentation of Proposed Variance and
Justification.**

Before a variance from a requirement of this Code is approved by the regulatory authority, the information that shall be provided by the person requesting the variance and retained in the regulatory authority's file on the food establishment includes:

- (A) A statement of the proposed variance of the Code requirement citing relevant Code section numbers;

- (B) An analysis of the rationale for how the potential public health hazards addressed by the relevant Code sections will be alternatively addressed by the proposal; and
- (C) A HACCP plan if required as specified in § 8-201.13(A) that includes the information specified in § 8-201.14 as it is relevant to the variance requested.

8-103.12 Conformance with Approved Procedures.*

If the regulatory authority grants a variance as specified in § 8-103.10, or a HACCP plan is otherwise required as specified in § 8-201.13, the permit holder shall:

- (A) Comply with the HACCP plans and procedures that are submitted and approved as specified in § 8-201.14 as a basis for the modification or waiver; and
- (B) Maintain and provide to the regulatory authority, upon request, records specified in ¶¶ 8-201.14(D) and (E) that demonstrate that the following are routinely employed:
 - (1) Procedures for monitoring critical control points,
 - (2) Monitoring of the critical control points,
 - (3) Verification of the effectiveness of an operation or process, and
 - (4) Necessary corrective actions if there is failure at a critical control point.

8-2 PLAN SUBMISSION AND APPROVAL

Subparts

8-201	Facility and Operating Plans
8-202	Confidentiality
8-203	Construction Inspection and Approval

Facility and Operating Plans

8-201.11 When Plans Are Required.

A permit applicant or permit holder shall submit to the regulatory authority properly prepared plans and specifications for review and approval before:

- (A) The construction of a food establishment;
- (B) The conversion of an existing structure for use as a food establishment; or
- (C) The remodeling of a food establishment or a change of type of food establishment or food operation as specified in ¶ 8-302.14(C) if the regulatory authority determines that plans and specifications are necessary to assure compliance with this Code.

8-201.12 Contents of the Plans and Specifications.

The plans and specifications for a food establishment, including a food establishment specified in § 8-201.14, shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Code provisions:

- (A) Intended menu;
- (B) Anticipated volume of food to be stored, prepared, and sold or served;
- (C) Proposed layout, mechanical schematics, construction materials, and finish schedules;

- (D) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (E) Written standard operating procedures that reflect the knowledge specified in § 2-102.11 and implement the requirements of this Code, including indication of how practices assure that:
 - (1) The transmission of foodborne disease is prevented by managing job applicants and food employees as specified in Subpart 2-201,
 - (2) Food is received from approved sources as specified in § 3-201.11,
 - (3) Food is managed so that the safety and integrity of the food from the time of delivery to the establishment throughout its storage, preparation, and transportation to the point of sale or service to the consumer is protected,
 - (4) Potentially hazardous food is maintained, including freezing, cold holding, cooking, hot holding, cooling, reheating, and serving in conformance with the temperature and time requirements specified in Parts 3-4 and 3-5,
 - (5) Warewashing is effective, including assurance that the chemical solutions and exposure times necessary for cleaning and sanitizing utensils and food-contact surfaces of equipment are provided as specified in Parts 4-6 and 4-7, and
 - (6) Records that are specified in §§ 3-203.11 and 5-205.13 are retained for inspection;
- (F) Proposed program of training for the persons in charge and food employees pertaining to protecting public health and the safety and integrity of food; and
- (G) Other information, such as sewage disposal and water supply approvals, that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

8-201.13 When a HACCP Plan Is Required.

(A) Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the regulatory authority for approval a properly prepared HACCP plan as specified under § 8-201.14 and the relevant provisions of this Code if:

- (1) Submission of a HACCP plan is required according to law;
- (2) A variance is required as specified under § 3-502.11, ¶ 4-204.110(B), or Subparagraphs 3-201.14(A)(2)(b), 3-203.12(B)(2), or 3-401.11(B)(2); or
- (3) The regulatory authority determines that a food preparation or processing method requires a variance based on a plan submittal specified under § 8-201.12, an inspectional finding, or a variance request.

(B) A permit applicant or permit holder shall have a properly prepared HACCP plan as specified under § 3-502.12.

8-201.14 Contents of a HACCP Plan.

For a food establishment that is required under § 8-201.13 to have a HACCP plan, the plan and specifications shall indicate:

- (A) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the regulatory authority;
- (B) A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - (1) Ingredients, materials, and equipment used in the preparation of that food, and
 - (2) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (C) Food employee and supervisory training plan specified in ¶ 8-201.12(F) that addresses the food safety issues of concern;

- (D) A statement of standard operating procedures for the plan under consideration including clearly identifying:
- (1) Each critical control point,
 - (2) The critical limits for each critical control point,
 - (3) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,
 - (4) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points,
 - (5) Action to be taken by the person in charge if the critical limits for each critical control point are not met, and
 - (6) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and
- (E) Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

Confidentiality

8-202.10 Trade Secrets.

The regulatory authority shall treat as confidential in accordance with law, information that meets the criteria under law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified in §§ 8-201.12 and 8-201.14.

***Construction
Inspection and
Approval***

8-203.10 Preoperational Inspections.

The regulatory authority shall conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans and is in compliance with law and this Code.

8-3 PERMIT TO OPERATE

Subparts

8-301	Requirement
8-302	Application Procedure
8-303	Issuance
8-304	Conditions of Retention

Requirement

8-301.11 Prerequisite for Operation.

A person may not operate a food establishment without a valid permit to operate issued by the regulatory authority.

Application Procedure

8-302.11 Submission 30 Calendar Days Before Proposed Opening.

An applicant shall submit an application for a permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility.

8-302.12 Form of Submission.

A person desiring to operate a food establishment shall submit to the regulatory authority a written application for a permit on a form provided by the regulatory authority.

8-302.13 Qualifications and Responsibilities of Applicants.

To qualify for a permit, an applicant shall:

- (A) Be an owner of the establishment or an officer of the legal ownership;
- (B) Comply with the requirements of this Code;
- (C) As specified under § 8-402.11, agree to permit access to the food establishment and to provide required information; and

- (D) Pay the applicable permit fees at the time the application is submitted.

8-302.14 Contents of the Application.

The application shall include:

- (A) The name, birth date, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food establishment;
- (B) Information specifying whether the food establishment is owned by an association, corporation, individual, partnership, or other legal entity;
- (C) A statement specifying whether the food establishment:
 - (1) Is mobile or stationary and temporary or permanent, and
 - (2) Is an operation that includes one or more of the following:
 - (a) Prepares, offers for sale, or serves potentially hazardous food:
 - (i) Only to order upon a consumer's request,
 - (ii) In advance in quantities based on projected consumer demand and discards food that is not sold or served at a frequency approved by the regulatory authority, or
 - (iii) Using time as the public health control as specified in § 3-501.19,
 - (b) Prepares potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,

- (c) Prepares food as specified in Subparagraph (C)(2)(b) of this section for delivery to and consumption at a location off the premises of the food establishment where it is prepared,
 - (d) Prepares food as specified in Subparagraph (C)(2)(b) of this section for service to a highly susceptible population,
 - (e) Prepares only food that is not potentially hazardous, or
 - (f) Does not prepare, but offers for sale only prepackaged food that is not potentially hazardous;
- (D) The name, title, address, and telephone number of the person directly responsible for the food establishment, and the name, address, and telephone number of the certified managers, their certification numbers and expiration dates;
- (E) The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified in ¶ (D) of this section such as the zone, district, or regional supervisor;
- (F) The names, titles, and addresses of:
- (1) The persons comprising the legal ownership as specified under ¶ (B) of this section including the owners and officers, and
 - (2) The local resident agent if one is required based on the type of legal ownership;
- (G) A statement signed by the applicant that:
- (1) Attests to the accuracy of the information provided in the application, and
 - (2) Affirms that the applicant will:
 - (a) Comply with this Code, and
 - (b) Allow the regulatory authority access to the establishment as specified under § 8-402.11 and to the food source and other records specified under §§ 3-203.12 and 5-205.13 and Subparagraph 8-201.14(D)(6); and
- (H) Other information required by the regulatory such as evidence that the establishment is in compliance with Department of Environmental Management; Department of Health, Office of Drinking Water Quality; and other state and local laws.

Issuance

8-303.10 New, Converted, or Remodeled Establishments.

For food establishments that are required to submit plans as specified in § 8-201.11 the regulatory authority shall issue a permit to the applicant after:

- (A) A properly completed application is submitted;
- (B) The required fee is submitted;
- (C) The required plans, specifications, and information are reviewed and approved; and
- (D) A preoperational inspection shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this Code.

8-303.20 Existing Establishments, Permit Renewal, and Change of Ownership.

The regulatory authority may renew a permit for an existing food establishment or may issue a permit to a new owner of an existing food establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this Code.

***Conditions of
Retention***

8-304.10 Responsibilities of the Permit Holder.

Upon acceptance of the permit issued by the regulatory authority, the permit holder in order to retain the permit shall:

- (A) Post the permit in a location in the food establishment that is conspicuous to consumers;
- (B) Comply with the provisions of this Code including the conditions of a granted variance as specified under § 8-103.12, and approved plans as specified under § 8-201.12;
- (C) If a food establishment is required under § 8-201.13 to operate under a HACCP plan, comply with the plan as specified under § 8-103.12;
- (D) Immediately contact the regulatory authority to report an alleged foodborne illness or an illness of an applicant or employee as specified under § 2-201.15;
- (E) Immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist as specified under § 8-404.11;
- (F) Allow representatives of the regulatory authority access to the food establishment as specified under § 8-402.11;
- (G) Replace existing facilities and equipment allowed in § 8-101.10 with facilities and equipment that comply with this Code if:

- (1) The regulatory authority directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted,
- (2) The regulatory authority directs the replacement of the facilities and equipment because of a change of ownership, or
- (3) The facilities and equipment are replaced in the normal course of operation;
- (H) Comply with directives of the regulatory authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the regulatory authority in regard to the permit holder's food establishment or in response to community emergencies;
- (I) Accept notices issued and served by the regulatory authority according to law; and
- (J) Be subject to the administrative, civil, injunctive, and criminal remedies authorized under law for failure to comply with this Code or a directive of the regulatory authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

8-304.20 Permits Not Transferable.

A permit may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another if the food operation changes from the type of operation specified in the application as specified in ¶ 8-302.14(C) and the change in operation is not approved by the regulatory authority.

8-4 INSPECTION AND CORRECTION OF VIOLATIONS

Subparts

8-401	Frequency
8-402	Access
8-403	Report of Findings
8-404	Imminent Health Hazard
8-405	Critical Violation
8-406	Noncritical Violation

Frequency

8-401.10 Performance- and Risk-Based.

The regulatory authority shall prioritize, and conduct more frequent inspections based upon its assessment of a food establishment's history of compliance with this Code and the establishment's potential as a vector of foodborne illness by evaluating:

- (A) Past performance, including foodborne outbreaks, and ~~for~~ nonconformance with Code or HACCP plan requirements that are critical;
- (B) Past performance, for numerous or repeat violations of Code or HACCP plan requirements that are noncritical;
- (C) The hazards associated with the particular foods that are prepared, stored, or served;
- (D) The type of operation including the methods and extent of food storage, preparation, and service;
- (E) The number of people served; and
- (F) Whether the population served is a highly susceptible population.

After the regulatory authority presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the regulatory authority to determine if the food establishment is in compliance with this Code by allowing access to the establishment, allowing inspection, and providing information and records specified in this Code and to which the regulatory authority is entitled according to law, during the food establishment's hours of operation and other reasonable times.

8-402.20 Refusal, Notification of Right to Access, and Final Request for Access.

If a person denies access to the regulatory authority, the regulatory authority shall:

(A) Inform the person that:

- (1) The permit holder is required to allow access to the regulatory authority as specified under § 8-402.11 of this Code;
- (2) Access is a condition of the acceptance and retention of a food establishment permit to operate as specified under § 8-304.11(F); and
- (3) If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to law, and the owner is subject to a fine; and

(B) Make a final request for access.

8-402.30 Refusal, Reporting.

If after the regulatory authority presents credentials and provides notice as specified under § 8-402.11, explains the authority upon which access is requested, and makes a final request for access as specified in § 8-402.20, the person in charge continues to refuse access, the regulatory authority shall provide details of the denial of access on an inspection report form.

8-402.40 Inspection Order to Gain Access.

If denied access to a food establishment for an authorized purpose and after complying with § 8-402.20, the regulatory authority may issue, or apply for the issuance of, an inspection order to gain access as provided under law.

Report of Findings

8-403.10 Documenting Information and Observations.

The regulatory authority shall document on an inspection report form:

- (A) Administrative information about the establishment's legal identity, street and mailing addresses, type of establishment and operation as specified in ¶ 8-302.14(C), inspection date, and other information such as type of water supply and sewage disposal, status of the permit, and personnel certificates that may be required; and
- (B) Specific factual observations of violative conditions or other deviations from this Code that require correction by the permit holder including:
 - (1) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of this Code specified under § 2-102.11,
 - (2) Failure of food employees and the person in charge to demonstrate their knowledge of their responsibility to report a disease or medical condition as specified under §§ 2-201.14 and 2-201.15,
 - (3) Nonconformance with critical items of this Code,
 - (4) Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the regulatory authority as specified under ¶ 8-304.11(C),
 - (5) Failure of the person in charge to provide records required by the regulatory authority for determining conformance with a HACCP plan as specified under Subparagraph 8-201.14(D)(6), and
 - (6) Nonconformance with critical limits of a HACCP plan.

8-403.20 Specifying Time Frame for Corrections.

The regulatory authority shall specify on the inspection report form the time frame for correction of the violations as specified under §§ 8-404.11, 8-405.11, and 8-406.11.

8-403.30 Issuing Report and Obtaining Acknowledgment of Receipt.

At the conclusion of the inspection and according to law, the regulatory authority shall provide a copy of the completed inspection report and the notice to correct violations to the permit holder or to the person in charge, and request a signed acknowledgment of receipt.

8-403.40 Refusal to Sign Acknowledgment.

The regulatory authority shall:

- (A) Inform a person who declines to sign an acknowledgment of receipt of inspectional findings as specified in § 8-403.30 that:
 - (1) An acknowledgment of receipt is not an agreement with findings,
 - (2) Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified, and
 - (3) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the regulatory authority's historical record for the food establishment; and
- (B) Make a final request that the person in charge signs an acknowledgment of receipt of inspectional findings.

8-403.50 Public Information.

Except as specified in § 8-202.10, the regulatory authority shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it under law.

Imminent Health Hazard

8-404.11 Ceasing Operations and Reporting.

- (A) Except as specified in ¶ (B) of this section, a permit holder shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;

- (B) *A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.*

8-404.12 Resumption of Operations.

If operations are discontinued as specified under § 8-404.11 or otherwise according to law, the permit holder shall obtain approval from the regulatory authority before resuming operations.

Critical Violation

8-405.11 Timely Correction.

- (A) Except as specified in ¶ (B) of this section, a permit holder shall at the time of inspection correct a critical violation of this Code and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

- (B) *Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed 10 calendar days after the inspection, for the permit holder to correct critical Code violations or HACCP plan deviations.*

8-405.20 Verification and Documentation of Correction.

- (A) After observing at the time of inspection a correction of a critical violation or deviation, the regulatory authority shall enter the violation and information about the corrective action on the inspection report.
- (B) As specified under ¶ 8-405.11(B), after receiving notification that the permit holder has corrected a critical violation or HACCP plan deviation, or at the end of the specified period of time, the regulatory authority shall verify correction of the violation, document the information on an inspection report, and enter the report in the regulatory authority's records.

***Noncritical
Violation***

8-406.11 Time Frame for Correction.

- (A) Except as specified in ¶ (B) of this section, the permit holder shall correct noncritical violations by a date and time agreed to or specified by the regulatory authority but no later than 90 calendar days after the inspection.
- (B) *The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.*

**8-5 PREVENTION OF FOODBORNE DISEASE TRANSMISSION
BY EMPLOYEES**

Subpart

8-501 Investigation and Control

***Investigation
and Control***

**8-501.10 Obtaining Information: Personal History of
Illness, Medical Examination, and Specimen
Analysis.**

The regulatory authority shall act when it has reasonable cause to believe that a food employee has possibly transmitted disease; may be infected with a disease in a communicable form that is transmissible through food; may be a carrier of infectious agents that cause a disease that is transmissible through food; or is affected with a boil, an infected wound, or acute respiratory infection, by:

- (A) Securing a confidential medical history of the employee suspected of transmitting disease or making other investigations as deemed appropriate; and
- (B) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected employee and other employees.

**8-501.20 Restriction or Exclusion of Food Employee, or
Summary Suspension of Permit.**

Based on the findings of an investigation related to an employee who is suspected of being infected or diseased, the regulatory authority may issue an order to the suspected employee or permit holder instituting one or more of the following control measures:

- (A) Restricting the employee's services to specific areas and tasks in a food establishment that present no risk of transmitting the disease;
- (B) Excluding the employee from a food establishment; or
- (C) Closing the food establishment by summarily suspending a permit to operate in accordance with law.

**8-501.30 Restriction or Exclusion Order: Warning or
Hearing Not Required, Information Required in
Order.**

Based on the findings of the investigation as specified in § 8-501.10 and to control disease transmission, the regulatory authority may issue an order of restriction or exclusion to a suspected employee or the permit holder without prior warning, notice of a hearing, or a hearing if the order:

- (A) States the reasons for the restriction or exclusion that is ordered;
- (B) States the evidence that the employee or permit holder shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;
- (C) States that the suspected employee or the permit holder may request an appeal hearing by submitting a timely request as provided under law; and
- (D) Provides the name and address of the regulatory authority representative to whom a request for an appeal hearing may be made.

8-501.40 Release of Employee from Restriction or Exclusion.

The regulatory authority shall release an employee from restriction or exclusion according to law and the following conditions:

- (A) An employee who was infected with *Salmonella typhi* if the employee's stools are negative for *S. typhi* based on testing of at least 3 consecutive stool specimen cultures that are taken:
 - (1) Not earlier than 1 month after onset,
 - (2) At least 48 hours after discontinuance of antibiotics, and
 - (3) At least 24 hours apart; and
- (B) If one of the cultures taken as specified in ¶ (A) of this section is positive, repeat cultures are taken at intervals of 1 month until at least 3 consecutive negative stool specimen cultures are obtained.
- (C) An employee who was infected with *Shigella* spp. or *Escherichia coli* O157:H7 if the employee's stools are negative for *Shigella* spp. or *E. coli* O157:H7 based on testing of 2 consecutive stool specimen cultures that are taken:
 - (1) Not earlier than 48 hours after discontinuance of antibiotics; and
 - (2) At least 24 hours apart.
- (D) An employee who was infected with hepatitis A virus if:
 - (1) Symptoms cease; or
 - (2) At least 2 blood tests show falling liver enzymes.

8-6 ENFORCEMENT

Subparts

8-601 Denial, Suspension, Revocation of Registration

8-602 Other Enforcement Actions

8-603 Rules Governing Practices and Procedures

8-604 Severability

8-601.10 DENIAL, SUSPENSION, REVOCATION OF REGISTRATION

(A) The Department of Health is authorized to deny, suspend, or revoke the registration of a food establishment for just cause which includes but is not limited to:

- (1) Failure to comply with the rules and regulations; and
- (2) Failure to comply with any federal, state, or local laws and regulations relating to food or food establishments.

(B) Whenever an action shall be proposed to deny, suspend, or revoke the registration of a food business the Department of Health shall notify the food business by certified mail, setting forth the reasons for the proposed action, and the applicant or licensee shall be given an opportunity for a prompt and fair hearing in accordance with Section 42-35-9.

- (1) However, if the Department of Health finds that public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, the Department may order summary suspension or registration or curtailment of activities pending proceedings for revocation or other action in accordance with Section 23-1-21 and Section 42-35-14 (c).

8-602.10 OTHER ENFORCEMENT ACTIONS

- (A) The Department of Health is empowered to institute such measures authorized by law which it deems appropriate to secure compliance with the provisions of these regulations. Any such action shall include notice and opportunity for hearing, provided, however, if an imminent public health exists the Director may issue an order requiring immediate action pursuant to the authority contained in Section 23-1-21.

8-603.10 RULES GOVERNING PRACTICES AND PROCEDURES

All hearings and reviews required under the provisions of Chapter 23-17 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the rules and regulations promulgated by the Rhode Island Department of Health entitled "Rules and Regulations Governing the Practices and procedures before the Rhode Island Department of Health (R42-35-PP)."

8-604.10 SEVERABILITY

If any provision of the rules and regulations herein or the application to any facility or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

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